

(15,724.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1894.

No. 840.

ROBERT PERRIN, APPELLANT,

v.s.

THE UNITED STATES, THE CRITTENDEN LAND AND
CATTLE COMPANY, ET AL.

APPEAL FROM THE COURT OF PRIVATE LAND CLAIMS.

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1 (*San Ygnacio del Babocomari Private Land Claim.*)

Transcript on appeal.

UNITED STATES OF AMERICA, } ss:
Territory of Arizona,

Be it remembered that heretofore, to wit, on the 27th day of February, A. D. 1893, Robert Perrin, by his attorneys, Craig & Meredith, filed in the office of the clerk of the court of private land claims, at Tucson, in the Territory of Arizona, a petition; which petition is in the words and figures following, to wit:

2 The Court of Private Land Claims of the United States.

ROBERT PERRIN, Plaintiff,

vs.

THE UNITED STATES OF AMERICA, THE CRITTENDEN
Land and Cattle Company, R. R. Richardson, Naber
Pachico, David Choate, A. G. Carroll, Thomas Smith, C.
L. Douglas, L. Craft, Santiago Ainsa, Administrator, with
Will Annexed, of the Estate of Frank Ely, Deceased;
Santiago Ainsa, Trustee and Administrator of the Es-
tate of Jose Juan Elias, Deceased; Angel Verela, Elena
Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C.
Smith, and D. Smith, Defendants.

} No. 3½.

To the honorable justices of said court:

The plaintiff by this, his petition, respectfully shows:

That on the 25th day of December, 1832, the State of Sonora, in the Republic of Mexico, granted and conveyed to Ygnacio Elias and Dona Eulalia Elias that certain tract of land situated at that time in the State of Sonora, in the Republic of Mexico, but now in the Territory of Arizona, known and designated as the Rancho "San Ygnacio del Babocomari." A particular description of said tract of land is hereinafter particularly set forth. The said grant was complete and perfect at the time that the same was made and at the time of the transfer of sovereignty to the United States. The form of the said grant was a patent or grant based upon a sale, and it was executed by Jose Mendoza, treasurer general of said State, under the seal of the general treasury of said State.

That by mesne conveyances the petitioner has succeeded to and become invested with the right, title and ownership of the said grantees to the said land, and your petitioner is seized in fee and entitled to the possession thereof.

That all of the original documents constituting and creating said grant are in the possession and official custody of the surveyor general of the United States, at the city of Tucson, in said Territory, and none of the said documents are now under the control of your petitioner. But as soon as this petition is filed your petitioner will, pursuant to law, request said surveyor general to transmit the

same to the clerk of this court. The said claim set forth in this petition has not heretofore been confirmed, considered or acted upon by Congress or any authorities of the United States.

That the petitioner is in the actual possession and occupation of all of said land, except some small portions thereof, an exact description of which cannot be given by your petitioner. The said portions are in the possession of the following-named persons, who claim an interest therein, but not under said grant: The Crittenden Land and Cattle Company, a corporation, organized and doing business under the laws and within the Territory of Arizona, and R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, A. Smith, B. Smith, C. Smith, D. Smith, E. Smith and F. Smith. The true names of the last five-mentioned persons are unknown to your petitioner.

That the following-named persons claim some interest in said grant, to wit: Santiago Ainsa, administrator with the will annexed of Frank Ely, deceased, Santiago Ainsa, trustee and administrator of the estate of Jose Juan Elias, deceased, Angel Verela, Elena Verela, Jesus Elias de Serrano, E. Smith and F. Smith.

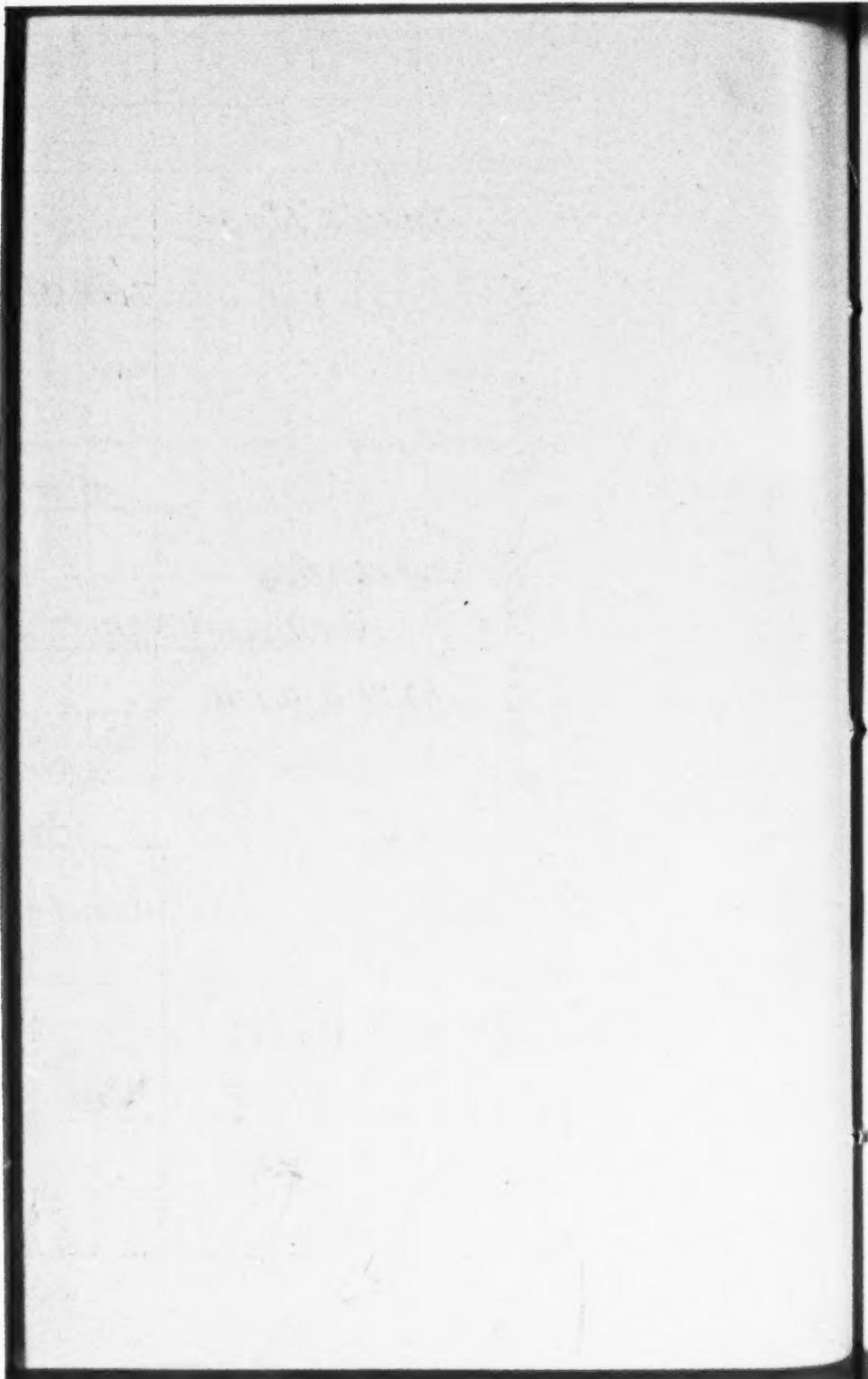
3 The following is a particular description of said land:

Commencing at a monument of stones near a hot spring, being the west center monument of said rancho, the initial point of survey of said rancho bears N. $89^{\circ} 15'$ E. from said point of commencement, and is distant therefrom 14 miles and 60 chains, the said initial point being in a ciénega on the Babocomari creek in the county of Cochise, and is about one-fifth of a mile east from the boundary dividing the counties of Pima and Cochise, and is marked by a large monument of stones; and running thence N. $45^{\circ} 30'$ W. 5 miles and 60 chains to a monument of stones near a cottonwood tree in a little valley, being the northwest monument of said land; thence N. $89^{\circ} 15'$ E. 14 miles and 60 chains to a monument of stones, said monument bears N. $45^{\circ} 30'$ W. from said initial point, and is distant therefrom $5\frac{1}{2}$ miles; thence N. $66^{\circ} 10'$ E. 18 miles to a monument of stones on a high hill, being the northeast monument of said land; thence S. 4° E. 7 miles to a monument of stones on a rocky hill, said monument being the east center monument, and which bears N. 72° E. from said initial point, and is distant therefrom 13 miles and 30 chains; thence S. 5° E. $2\frac{1}{2}$ miles to a monument of stones on a bald hill, being the southeast monument of said land; thence S. 74° W. 12 miles and 20 chains to a monument of stones, said monument bears S. $35^{\circ} 30'$ E. from said initial point and is distant therefrom 2 miles; thence S. $89^{\circ} 15'$ W. 14 miles and 60 chains to a monument of stones situate on a hill covered with oak trees, being the southwest monument of said ranch; and thence N. $35^{\circ} 30'$ W. 2 miles to said hot spring monument, being the point of commencement; containing one hundred and twenty-eight thousand acres. A map thereof is hereto annexed.

Wherefore, your petitioner prays that the validity of said title or claim may be inquired into and decided.

ROBERT PERRIN, *Petitioner.*

CRAIG & MEREDITH,
Attorneys for Petitioner.



(Endorsed:) Case No. 3½. Filed in the office of the clerk court of private land claims February 27, 1893. Jas. H. Reeder, clerk, by R. L. Long, deputy.

4

Map of San Ygnacio del Babocomari Grant.

(Here follows diagram marked page 4.)

5

And be it further remembered that on said day last mentioned, to wit, the 27th day of February, A. D. 1893, a summons was issued by the clerk of said court; which summons, with all endorsements thereon, is in the following words and figures, to wit:

6

Summons.

In the U. S. Court of Private Land Claims.

UNITED STATES OF AMERICA, }
District of Arizona, } ss:

ROBERT PERRIN, Plaintiff, } Petition Filed in the Clerk's
versus } Office this 27th Day of Feb-
UNITED STATES et al., Defendants. } ruary, A. D. 1893.

The President of the United States of America to the United States of America, the Crittenden Land & Cattle Co., R. R. Richardson, Naber Pacheco, David Choate, Thomas Smith, C. L. Douglass, L. Craft; Santiago Ainsa, administrator, with will annexed, of the estate of Frank Ely, deceased; Santiago Ainsa, trustee & administrator of the estate of Jose Juan Elias, deceased; Angel Varela, Elena Varela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, D. Smith, Greeting:

You and each of you are hereby notified that an action has been brought in said court by Robert Perrin, plaintiff, against you as defendants under the provisions of the act of Congress of the United States entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3d, 1891, and that a copy of the petition of said plaintiff is herewith attached and served upon you, and that you are required to appear and plead, demur, or answer to the petition filed in said action in said court within thirty days from the date of service of this summons upon you, and if you fail so to do the said plaintiff will take default according to the provisions of the aforesaid act.

Witness the Honorable Joseph R. Reed, chief justice of the court of private land claims, and the seal of the said court, at the city of Tucson, in said district, this 27th day of February, A. D. 1893, and of the Independence of the United States the 116th year.

JAMES H. REEDER, Clerk,
By R. L. LONG, Deputy Clerk.

7 [Endorsed:] Gen. No., 3½. U. S. court of private land claims, district of Arizona. Robert Perrin, plaintiff, *versus* United States *et al.*, defendants. Summons. Filed this 29th day of August, A. D. 1893. James H. Reeder, clerk, by R. L. Long, deputy clerk. Craig & Meredith, of 328 Mont'y St., S. F., Cal., attorney-for plaintiff.

Proof of Service.

UNITED STATES OF AMERICA, }
District of New Mexico, } ss:

—, A. D. 189—.

I hereby certify that I received the within writ on the 28th day of June, A. D. 1893, and that I have personally served the same upon the said defendant by delivering to —.

I hereby acknowledge service of the within writ and copy of the petition accompanying it, in the city of Santa Fé, N. M., July 13, 1893.

MATT. G. REYNOLDS, *U. S. Atty.*

8 And be it further remembered that thereafter, to wit, on the 11th day of December, 1893, at the December term of said court, held at Tucson, in the Territory of Arizona, the following order was made, viz :

In the Court of Private Land Claims, Arizona District.

ROBERT PERRIN } No. 3½. San Ygnacio del Babocomari
vs. } Grant.
UNITED STATES *et al.* }

On motion of Matt. G. Reynolds, Esq., attorney for the United States, made in open court on this the 11th day of December, 1893—

It is ordered that the plaintiffs in the above cause file with the clerk of this court, at Tucson, Arizona, on or before January 15th, 1894, for the inspection of the attorney of the United States, all grant papers, evidence of title, and documents of whatever kind and nature which said plaintiff expect to offer in evidence in the above-entitled cause, with copies and translations of the same; also that said plaintiffs file with the clerk of this court on or before said date, to wit, January 15, 1894, for the purpose aforesaid all original papers in his possession or under his control purporting to evidence a grant by the Mexican nation, the State of Sonora, or the Republic of Mexico to the property described in the bill of complaint herein or any part thereof, with translations or copies of the same; also that said plaintiff file with the clerk of this court on or before said date, to wit, January 15, 1894, for the purpose aforesaid a 9 duly authenticated transcript of all records and documents, the original of which are not under the control of said plaintiff, purporting to evidence a grant by the Mexican nation, the State of Sonora, or the Mexican republic to the land described in plain-

tiff's bill of complaint herein or any part thereof which you expect to introduce in evidence; also that said plaintiff file with the clerk of this court on or before January 15, 1894, for the purpose aforesaid all original deeds, with copies and translations thereof, and mesne conveyances, with copies and translations thereof, by which they and each of them claim title through and under the original grantee to the grant described in the petition of said plaintiff.

It is further ordered that the clerk of this court transmit by mail a duly certified copy of this order to Messrs. Craig & Meredith, attorney- for plaintiff in this cause.

10 And be it further remembered that thereafter, to wit, on the 27th day of February, A. D. 1894, there was filed in the office of the clerk an answer; which answer is in words and figures following, to wit:

UNITED STATES OF AMERICA, *ss*:

In the Court of Private Land Claims, Arizona District.

ROBERT PERRIN, Plaintiff, }
vs. } No. 3½.
UNITED STATES *et al.*, Defendants. }

Comes now the United States, by its attorney, to answer to the petition filed in the above-entitled cause, — says—

As to whether the allegations contained in said petition are true, it has no knowledge or information sufficient to enable it to form a belief, and therefore denies the same, and asks that said plaintiff's claim be rejected and the petition be dismissed.

MATT. G. REYNOLDS,
U. S. Attorney.

Endorsed: No. 3½, F. No. 25. Answer. Filed in the office of the clerk court of private land claims Febr. 27, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

11 And be it further remembered that thereafter, to wit, on the 27th day of March, A. D. 1894, being the 10th day of the December term of said court, 1893, held at Tucson, in the Territory of Arizona, the following proceedings were had:

This cause came on for trial. Geo. Hill Howard and Craig & Meredith, Esqrs., appeared for the plaintiff, and Matt. G. Reynolds, U. S. attorney, and Wm. Barnes, of counsel, appearing for the defendants.

The plaintiff called R. C. Hopkins, Geo. R. Roskruge, Ramon Aldareta, Isodora Castro, Francisco Romero, and Jose Roderiguez, who were sworn and examined.

The defendants called R. C. Merril, C. Layton, Capt. Ross, P. R. Brady, H. O. Flipper, and A. A. Richardson, who were sworn and examined on their behalf.

Certain documents were introduced in evidence by the counsel

for the respective parties, which documents are clearly marked as exhibits either by letter or number, and appear hereafter.

Consideration of this case was suspended until the following day, when on said day, to wit, the 28th day of March, 1894, the court resumed its consideration of the cause, and, the evidence in this case being concluded, the argument of the case was made by the respective counsel, after which the cause was submitted to the court for decision and was by the court taken under advisement.

The evidence, both oral and documentary, offered and introduced on the trial is as follows, to wit:

12 United States Court of Private Land Claims, Sitting at Tucson, Arizona.

ROBERT PERRIN }
vs. } No. 3½.
UNITED STATES. }

Transcript of short-hand notes of testimony, etc., taken on the trial of the above-entitled cause, at the court-room of said court, in the city of Tucson, Pima county, Arizona Territory, on Tuesday, the 27th day of March, A. D. 1894, at 9.30 o'clock a. m., before the court (all members being present) and in the presence of Messrs. Craig & Meredith and George H. Howard, Esq., for petitioner, and Matt. G. Reynolds, Esq., U. S. attorney for said court, and Wm. H. Barnes, Esq., assistant, on behalf of the United States and sundry settlers on the grant in dispute.

Mr. Howard made a statement of the claims of petitioners.

Mr. Reynolds replied for the Government.

By Mr. HOWARD: We offer the titulo of the San Ignacio del Babacomari land grant, issued in 1833 to Captain Ignacio Elias and Dona Eulalia Elias. Do you admit that the title came from the custody of the surveyor general for this Territory?

By Mr. REYNOLDS: Yes, sir; I admit that that document is properly in the custody of the clerk of this court, having been 13 certified from the surveyor general's office of this Territory and filed with the old claim under the law of 1854 and 1870, I believe, before the surveyor general of this Territory.

By Mr. HOWARD: The case was there presented in 1873, and this paper was presented in 1879.

R. C. HOPKINS, a witness called and sworn on behalf of petitioner, testified as follows:

Direct examination.

By Mr. HOWARD:

Q. State your name, age, and residence.

A. R. C. Hopkins; age, 78, and at present I reside in San Francisco.

Q. Will you state what familiarity you have with the archives of Sonora and grant documents of the State of Sonora?

A. In 1879 I was sent by the Department of the Interior to examine the archives in the State of Sonora, at Urez, then the capital. Since then I have been several times in that country and also to the city of Mexico and other places examining the archives.

Q. Are you acquainted with the signature of José María Mendoza, formerly treasurer general of the State of Sonora?

A. I am acquainted with it from having seen it in the archives a great many times. I never saw him write, but I have seen a great many of his signatures in the archives in Sonora.

Q. (Exhibiting document.) Will you examine this document, state what it is, and as to the signature there of Mendoza whether it is true and genuine or not?

A. It is endorsed "Title of grant of eight square leagues of land included in the place called San Ignacio del Babacomari, in the jurisdiction of the presidio of Santa Cruz; granted to Ignacio and Eulalia Elias."

Q. The signature at the end of that document, please state 14 what it is and whose signature it is.

A. It is signed by José María Mendoza, treasurer general at that time, and Luis Carranco and Bartolo Miranda, as assisting witnesses. Those are, I think, the genuine signatures of those gentlemen by comparison; I never have seen them write.

Q. That is the signature of José María Mendoza on the last page, but you won't say whether it is genuine or not?

A. That is also the genuine signature of Mendoza, I think.

Q. Are you conversant with the stamped paper of Sonora at about that time from your examination of documents and your experience?

A. Yes, sir; I am familiar with it from examination, having examined a great many sheets of stamped paper at that time.

Q. Will you state if the leaves or sheets upon which this document is are genuine stamped paper of the State of Sonora at that time or not?

A. (After examining sheets separately.) I think it is; it is the stamped paper of '31 and '32.

Q. Mr. Hopkins, have you examined this *titulo* in this particular case and compared it with the archives in existence in the State of Sonora which contained records of land grants there?

A. Here or there?

Q. In Sonora, sir.

A. I can't say that I compared it with the matrix. I examined the matrix there and found, of course, that the matrix existed, but whether I compared it word for word I don't think I did, but I compared it generally to find that the matrix existed.

Q. How does it compare with the matrix that you examined?

A. I made a copy of the field-notes of the survey when I was in Sonora and I compared this description here in this *titulo* with the copy that I made and I find that it compared, with one ex-

15 ception; it compares with the copy of the field-notes of the survey in the matrix.

Q. Will you state what exception that is?

A. In this titulo the notes of the survey commence, "En el referido puesto." In the matrix following the word "puesto" are the words "una loma pelona en frente de la cieneguita de Babacomari," which are not in this. With that exception, I think, the field-notes compare—the surveys corresponds.

By Mr. REYNOLDS:

Q. Translate that.

A. A bald hill in front of the little marsh of Babacomari.

Q. Mark in the original titulo where the interlineation is.

A. (Witness did so.)

By Mr. HOWARD (resuming):

Q. How does the document, aside from the notes of survey, which you say you compared and made a copy of, compare with the balance, to the best of your memory, of the matrix, which you say you found in the records there at Sonora?

A. I think it substantially compares with the matrix. The matrix probably contains more than this does—some formalities that this does not. I cannot speak certainly as to that, but it is substantially the same—compares historically, dates, etc.—as a record. I presume it is taken from the matrix, sir.

Q. With your experience and knowledge of these titles and examination in Mexico, as you state, could you state whether ever such a document as this titulo was issued without there being a matrix in the archives?

Objected to as leading and suggestive.

By the COURT: The proper way is to show the practice.

By Mr. REYNOLDS: There is no objection to that.

16 Q. Mr. Hopkins, are you familiar with the practice that obtained in Sonora at the date of this grant in making these grants?

A. I am more or less familiar, have been and am still more or less familiar, from recollection with the practice of making grants in Sonora at that time. Under the law of August 1st, 1824?

Q. Yes, sir; State law.

A. Yes; the State law.

Q. Will you state, more or less, what was the custom and practice in making these grants, and the methods?

A. Generally a petition was made by the denouncer, and an order to survey was issued; a survey was made of the tract petitioned for; the surveyor's field-notes of the survey were returned, submitted to the attorney general or promotor fiscal for examination, and if found to be correct the land was appraised. The land was appraised by experts first; the surveyor's report was approved if found to be correct. The land was appraised by experts according to its grade or quality, whether irrigable or grazing land or sowing land. It

was then advertised by public auction for such a length of time, and at the end of the time required it was sold at public auction. It was appraised, first, according to its grade by experts, advertised and sold to the highest bidder—at least, the petitioner would come in and bid the appraised value if it was the Government price (it could not be sold for less), and if there was no competition he would get the land and would pay the money. It was submitted in the meantime to the provisional junta de hacienda—board of Treasury—and if all proceedings were found to be correct the money was paid and the title issued. It was signed by the treasurer general, and that, with the testimonio, would go to the party interested. The original proceedings remained on file in the treasurer's office sometimes with a copy of the grant and sometimes, I think, not. That generally was the method of procedure.

Q. What do you mean by "copy of the grant"?

A. Copy of the *titulo*, or *borrador*, as it is called, attached to the matrix on file, but not always, and the same system prevailed in California for grants there; as to copies of grants I mean: the original grant itself being signed by the governor, and the original remaining with the expediente on file—or matrix. I think that the custom observed by the Spanish government was, more or less, the same without much change, except the change of officers, the treasurer general making the grant instead of the governor intendente.

Q. With reference to the notices of sale, when the sale would be made, what do you remember about the method pursued in reference to these grants made at that time?

A. They were, I think—my recollection is they were published for thirty days, as was the custom under the Spanish government; I don't know whether they were in every case or not, but they were sometimes, I know, and at the end of thirty days they were sold to the highest bidder.

Q. In your examination of this grant in Sonora and of the archives there and *borradores*, did you see other grants; and, if so, about how many more or less than the one before you now?

A. I saw a great many. Of course, I examined the expedientes in the archives going back to '61. I went through the list of them, but, of course, I did not read them all. I only carefully examined such as I supposed were within the limits of the Gadsden purchase, of course. That I could not certainly determine, but could tell more or less.

Q. What was the custom in most of the grants you examined with reference to this method of procedure of sale and notice?

18 A. Similar to what I have stated here, more or less so. Of course, a number of grants were commenced under the Spanish government, title to which was issued under the Mexican government—several, at least.

Q. Did you find any book of records in the State of Sonora during your examination in the archives?

A. There was a book called *Libro de Toma de Razon*—covering a period from 1832, I think, down to, perhaps, 1850, more or less; I for-

get the date exactly—in which grants were registered—grants that were issued during that time.

Q. Does this title which you have here appear, from the entry on the last page but one, to have been entered on that book of records?

Objected to because the instrument shows for itself.

By the COURT: That is a matter which appears on the face of the instrument itself.

Q. Did you see that book of Toma de Razon yourself?

A. Yes, sir.

Q. Did you find any entry in it with reference to this grant?

A. I found a corresponding entry on that book, corresponding with that note of entry there (referring to document).

Cross-examination.

By Mr. REYNOLDS:

Q. You say you have examined a great many titles—particularly titles with reference to lands lying within the Territory of Arizona, were they not?

A. All that I examined carefully were; yes, sir.

Q. You make up your opinion as to the system adopted in the granting of lands by virtue of the recitals and contents of the various grants that you examined and located in Arizona?

A. Yes, sir; at that time; during that period.

19 Q. You did not examine the grant with reference to the law of May 20, '25, of the State of Sonora, did you?

A. Well, somewhat with reference to that. Of course, I was aware of that law.

Q. Do you remember that law?

A. I remember it; yes, sir. I remember the terms of it.

Q. Do you know what its requirements were?

A. I do not now remember distinctly. You mean the regulations of 1825?

Q. I mean the law of the State of Sonora made May 20, 1825, with reference to the disposition of public land.

A. I remember some, but not all.

Q. Did you find anything in there with reference to thirty pre-gones?

A. I don't recollect that I did. I haven't seen that law, I think, for 12 or 15 years.

Q. Do you remember of examining the law of August 4, 1824?

A. Yes, sir.

Q. And August 18, 1824?

A. The law of colonization? Yes, sir; I remember that.

Q. Did you find anything about the manner in which sales should be made of these lands?

A. No, sir.

Q. Nor by whom sales should be made?

A. No, sir.

Q. Where is the first place you ever found any authority for making sales after the independence of Mexico?

A. I think the regulation of 20th of May, 1825.

Q. By the State of Sonora?

A. Yes, sir.

Q. Does that conform to it?

A. Well, so far as the—I do not recollect distinctly the requirements of that law now as to the 30 pregones.

Q. Well, your best recollection whether it calls for 30 pregones or not?

A. I don't think it does.

20 Q. You think it does not?

A. I don't think it did.

Q. Now, you say that you compared that document with the expediente on file at Hermosillo?

A. At the time that I made the examination there?

Q. Yes, sir.

A. Not carefully. I examined no more than to find that it was substantially correct.

Q. Did you examine it carefully enough to see that the report of survey is the same in both instruments?

A. Yes, sir; I made a copy of that. I copied the field-notes, so as to know the location.

Q. The survey on which the order of the promotor fiscal was made?

A. Yes, sir.

Q. And you say it was correct, with the exception which you make?

A. Yes, sir; I learn that now from the examination that I now make. I did not copy any other portion of the matrix.

Q. Did you translate this document for these gentlemen?

A. Yes, sir.

Q. Is the translation that they have filed here your translation?

A. In connection with Mr. Howard, I have revised the translation. There were a good many errors in the translation that I had shown me, the printed one, and I made some corrections in that.

Q. Did you ever make a translation for the surveyor general's office?

A. Yes, sir; I think so.

Q. Is your translation on file there?

A. It is there, I think. I guess it is.

Q. You say that that is the stamped paper used in Sonora at that time?

A. It is, I think.

Q. The only means you have of knowing that fact is the general appearance of it?

A. Yes, sir; by comparison. That is all.

Q. It looks like it?

A. Yes, sir; it looks like it.

21 Q. In your examination grants and title papers with reference to land grants, is it not the rule that you find a

copy of the patent attached to the expediente and thereby making a complete matrix?

A. In every case.

Q. Is it not the general custom?

A. I don't know that it is. There are many exceptions.

Q. We have had several here?

A. Yes, sir.

Q. If the proceedings were regularly done and taken, I mean?

A. I suppose, to make the record of the matrix complete, there should be a copy attached to it.

Q. That would be regular?

A. Yes, sir; but, of course, it is not always done. To make it absolutely complete, I think that would be required.

Q. Now, again, the titulo or testimonio—such a document as this—should be a complete copy of the expediente, should it not, with the patent attached to it—the original patent attached to it?

A. Well, that I can't say, because I think that in a great many cases the testimonio is made up and some of the formalities left out.

Q. As in this instance?

A. Yes, sir.

Q. I mean to make it regular?

A. To make it absolutely a complete copy, it should contain everything; but whether the law required that I don't know.

Q. I am not asking for your legal opinion, but from your observation and all you gathered as an expert for many years?

A. I guess if it purports to be a copy, it should be a copy.

Q. I am not asking you what it purports to be now.

A. No.

Q. Of course, it ought to be what it purports to be, but to be regular and in due form and a complete testimonio or titulo it should be a copy of the expediente with the original grant attached?

A. Well, if it purports to be a copy of the record, it should be.

22 Q. I am speaking now—if you were endeavoring to make one of these up regularly—if you were called upon to make up a title paper regularly and in due form, would you not copy the entire expediente and then attach to it the original grant?

A. That depends on circumstances.

Q. Well, I am asking you if you were making up a regular title paper.

A. It depends on the custom, I suppose, of the place where it was done.

Q. From all your observation and all the knowledge you have obtained, if you were called upon to make up a regular title paper, I ask you whether you would not make up a copy of the expediente and attach the original grant to it?

A. I might make only an abstract of the original proceedings.

Q. If you were undertaking to make a regular (interrupted) —

A. That is relative, you know. If made in correspondence with custom, it would be regular, I suppose. I suppose in making up an abstract of title you ought not to copy all the deeds in it. Now,

the testimonio commences with something not found in the matrix at all.

Q. That is merely preamble.

A. It is in the document made up from the record.

Q. Didn't you testify in the Sonoita case that in order to make a titulo regular you would make an entire copy of the expediente and attach to it the original title paper?

A. If I was to make an entire copy, of course.

Q. I am not talking about that, but to make a regular title paper to deliver to the party.

A. I may have said so. If I found that to be the custom to do it that way, I would do it, you know.

Q. All you know about the custom is (interrupted) —

A. From what I have seen there—yes.

23 Q. And recitals there in documents with relation to land grants in Arizona?

A. Yes, sir; and perhaps other grants, too. Of course, the system in California was very much the same. The title they gave to the party was made up from the archives; not an exact copy.

Q. That was under the law of California and regulations?

A. Yes, sir.

Q. And not made under the laws of the State of Sonora of 1825?

A. Not at all, but made according to the customs of the country in making up records. They attached there a borrador to the expediente sometimes, and sometimes not.

Q. And sometimes they had a grant when you could not find any record of it at all?

A. Sometimes no matrix at all.

Q. You found a good many of those grants in your investigation signed by the officers, antitedated, and shown to be clearly fraudulent?

A. Yes, sir; several.

Q. And when those officers went out of office they went to making grants, didn't they?

A. Several; yes, sir.

By Mr. HOWARD: We now ask leave to file amended translations. They are simply showing some differences in courses. We have the translations showing exactly what was given in the titulo itself, and therefore we make the amended translations showing exactly what was in the grant titulo here, and we ask leave to file them in place of the others on file now.

By Mr. REYNOLDS: We have not examined them and therefore do not know whether they are correct or not. We reserve the right to object to them if on examination they are found incorrect. If they agree with our translations, there will be no objection.

Redirect examination:

24 Q. Mr. Hopkins, do you know whether Santiago Espinosa, who testified before the surveyor general in the case there of the Babacomari, is alive or dead?

A. I have understood that he is dead; I do not know it of my own knowledge.

Q. Do you know whether Francisco S. Leon, the witness who testified before the U. S. surveyor general in the case of the Babacomari land grant pending there, is alive or dead?

A. I have understood from his friends that he is dead.

By Mr. HOWARD: We offer the evidence of Francisco S. Leon, taken before the surveyor general in the investigation of this matter, as well as that of Santiago Espinosa, as being now both dead. We offer this evidence for what it is worth. It is certified as a copy from the surveyor general's office.

We also offer the sketch map made by George J. Roskruge as being more or less correct, showing what this grant would contain provided it was surveyed according to the natural calls set forth in the titulo.

By Mr. REYNOLDS: We object to counsel introducing a map and stating that it is correct with reference to natural objects. I don't know how he can get it in the case as evidence without first proving its correctness.

By Mr. HOWARD: We offer it simply as an idea—a sketch map.

By the COURT: It may go in. It may afford some illustration. It has no verity, by any means; of course, it does not prove itself.

By Mr. HOWARD: Oh, no; we will offer evidence with reference to it in course of the trial. I now offer documents showing title in claimants, with abstract of same.

By Mr. REYNOLDS: If we have any objection, we will make it on the argument.

25 By Mr. HOWARD: We now offer the evidence of Juan Robinson, taken in the Algodones case, as to the laws and customs of Mexico in making grants. Mr. Robinson is beyond the jurisdiction of the court, and we cannot get him here.

By Mr. REYNOLDS: We very much object to a proceeding of this kind. If he wanted to take Mr. Robinson's deposition as to his opinion of the law in this case, he could have done so in the proper way, if he considered him eminent enough to justify it. It can have nothing to do with this case.

By the COURT: Of course it is like any other deposition; in order to introduce it here it must have been taken between the same parties and on the same issue.

RAMON ALDARETTA, a witness called and sworn according to law, testified through the medium of the official interpreter as follows:

Direct examination.

By Mr. HOWARD:

Q. State your name, age, and residence.

A. Ramon Aldareta; I am sick, and I can't talk very loud—very well. I am 78 years old, and I live at San Xavier.

Q. How long have you lived in this Territory?

A. I lived here before every American that is here. I am one of the old persons belonging to this place. I am more of an American than all the rest.

Q. Did you know the place of San Ignacio del Babacomari?

A. No, sir.

Q. Do you know the place called the Babacomari?

A. Yes, sir.

Q. Where is that from here—where with reference to Tucson?

A. It lies at the San Pedro river.

26 Q. Is there any stream of water at this place of Babacomari?

A. Yes, sir.

Q. What is the name of it?

A. The Rio Babacomari—the San Pedro river.

Q. Into what does the Babacomari empty?

A. In which direction?

Q. East.

A. To the side of the Agua Prieta?

Q. Into what does it empty? Where is the mouth of the Babacomari?

A. From Nogales on, at the end of the Sierra de Huachuca.

Q. On what stream, if any, is Nogales?

A. On the same river of the Babacomari.

Q. How far is this Nogales from the San Pedro river?

A. It is the same river.

Q. Did you know Don Ignacio Elias?

A. Yes, sir. —

Q. Did he have any ranch or property in this country?

A. I knew Don Rafael Elias.

Q. Did they have any ranch property in this country?

A. He was a man that had a good deal of live stock at Babacomari.

Q. Did he have any settlement there?

A. Had a big ranch.

Q. Of what did it consist?

A. For cowboys, servants, that lived there.

Q. Any houses or corrals there?

A. Many of them—houses and corrals also.

Q. Did Don Ignacio Elias have any cattle there?

Objected to as leading.

Q. Did you know Don Ignacio Elias?

A. I knew Don Rafael Elias.

Q. Well, do you know whether Don Rafael Elias had any brothers?

A. He had, but I didn't know them. I only knew Don Rafael Elias. He supplied Fronteras and Tubac with me from his stock.

27 Q. Do you remember about what time the ranch was abandoned and for what cause?

A. On account of the Apaches.

Q. About what time—do you remember?

A. It was many years ago. I do not remember the number of years.

Q. Do you know the range of mountains called the Santa Rita mountains?

A. That which lies at the front of San Xavier; yes.

Q. Do you know a place called at that time Ojo de Caliente?

A. I was disputing his cattle at Altar; his stock there. It is not a hot spring; it is a lukewarm body of water at the place where the volcano is at present. That is the Agua Caliente. They have changed the names that the ranches formerly had.

Q. Didn't I understand you to say Fort Buchanan instead of "volcano"? Near what place did you say the warm spring is?

A. At the place where Fort Buchanan is. We cannot speak those words well.

Q. Do you remember and can you state where those cattle were accustomed to range on the Babacomari?

A. They came down from the mountains of Santa Rita and from the Canelo (Brown mountain).

Q. About how old were you when you first saw this Babacomari ranch that you speak of?

A. About 50 years old.

Q. How big were you when you first saw the Babacomari ranch?

A. Oh, I was 14 years old.

Q. Was any one living there at the Babacomari when you first saw it?

A. There was Santa Cruz del Presidio and the old pueblos.

Q. Who was living there, if any one, at the Babacomari when you first saw it?

A. A major domo, an uncle of this young man that now comes here; he was the major domo of Don Rafael Elias.

Q. What man that comes here do you speak of? What man do you speak of whose uncle was major domo?

A. Another gentleman who is down here, Mr. Castro.

Q. What is his first name?

A. Isadoro Castro.

(Cross-examination declined.)

28 ISODORO CASTRO, a witness called and sworn on behalf of the petitioner, testified through the medium of the official interpreter as follows:

Direct examination.

By Mr. HOWARD:

Q. What is your name, age, and residence?

A. Isodoro Castro; I am 64 years old, and I live at Los Reales.

Q. In this county?

A. Yes, sir; it is now eight years that I stayed at San Xavier.

Q. How long have you lived in this neighborhood?

A. I have been here always. It is about eight years ago that I went away from here to San Xavier.

Q. Do you know the Babacomari ranch?

A. At that time my parents brought me when I was very young to that place. I was so young that my father had to take me on his horse.

Q. Was any one living there when he took you on his horse there?

A. Yes, sir; my father lived at that place; he was working at that place, and an uncle of mine was major domo of the place in those days.

Q. What was there at this place?

A. At that time there was a large number of stock and horses. I saw them at that time.

Q. Was anybody living there?

A. There were some people there then, yet.

Q. Where were they living?

A. They were living there, but I can't state anything further, because I was young then—small.

Q. Camping out or living in houses?

A. I can't state as to anything about that time because it is some years ago.

Q. Haven't you been there since the first time you went there?

A. No, sir; I haven't returned to that place since that time.

Q. You say your uncle was major domo there; what was your uncle's name?

A. Lonjino Castro; he was major domo at that time.

29 Q. Did you know Captain Ignacio Elias in his lifetime?

A. I don't know whether he was the old man who was called Don Rafael Elias as I heard him called at that time.

Q. Then you do not know for what Elias, your uncle, was major domo?

Objected to as stating or suggesting a conclusion and objectionable for both reasons.

Q. For whom, if you know and remember, was your uncle major domo?

A. No, sir; I don't know. I know that he worked as major domo for the Eliases, so much so that my father was used to bring cows from there to here for family use.

Q. Your father, you said, worked on this ranch?

Objected to as leading.

A. Yes, sir; he worked there.

Q. For whom did your father work on this rancho?

A. He worked there.

Q. Do you know for whom?

A. I cannot state that. I cannot state all what I saw at the time when I was still very young.

Cross-examination.

By Mr. REYNOLDS:

Q. Do you know where Fort Buchanan is?

A. No, sir.

Q. Do you know where Fort Buchanan was?

A. I know that Fort Buchanan was on this side; it was the fort where they settled first.

Q. Who settled first?

A. I don't know. I saw it peopled already.

Q. Was that the place you went to?

A. Yes, sir.

Q. Where you lived with your father when he was working for the major domo, was it?

A. No, sir; I was here in town.

Q. Where did you live down on the Babacomari at the time your father worked for the major domo?

A. I didn't live there at any time.

30 Q. Where was the major domo living then?

A. He was there at the ranch.

Q. Where was that?

A. It was what they call the Babacomari. I cannot state anything further than that because I was small.

Q. And never have been back there since?

A. No, sir.

Q. How old are you?

A. I must be about 64 years old.

Q. How old were you when you were there?

A. I must have been about 13 or 14 years old. I remember that my parents took me there when I was very young.

Q. Did they stay there any length of time?

A. No, sir; he stayed there a short while because the Indians already would not allow us to stay.

Q. Did you live on the river?

A. No, sir; I have said that I did not live there. I just went in and come out.

Q. Well, where the major domo lived, was that on the river?

A. No, sir; I don't remember anything more. I cannot state anything more.

Q. Did the river run east and west or north and south?

A. I have said that I can't say anything more about that at that time. I was very small when I was taken there by my parents.

Q. Was there running water near the houses where they lived?

A. I saw running water there and I passed it, but I didn't pay attention to it.

Q. Do you know which way it run?

A. I saw it running, but our parents did not allow us to go out on account of the Indians.

Q. How many people were there?

A. There were some there.

Q. How many?

A. There was quite a number of people there.

Q. As many as a hundred?

A. I can't state there were a hundred of them because I didn't pay much attention, but I can state that there were about twenty men.

31 Q. You cannot locate to me, then, where these people were on the Babacomari river, can you?

A. No, sir.

Q. Near the mouth?

A. Yes, sir. I have said that I can't state anything further.

Q. Do you know where the San Pedro river is?

A. They have named this river here San Pedro now.

Q. Do you know where the name of the San Pedro river was then, when you were a boy 13 or 14 years old?

A. No, sir; I can't state then, as I was very young, what the river was at the time when I have said that I was taken there by my parents on horseback.

Q. Did you ever go down on the San Pedro river when you were a young man or boy?

A. No, sir; I only crossed it en route to other places.

Q. What other places?

A. To the other side.

Q. What other side? Where were you going?

A. I remember that we would cross the river when we went to the place.

Q. Coming from where?

A. From here.

Q. Where were you coming from or going to?

A. I haven't gone but that time which I have stated, and at that time I was young and didn't pay much attention.

Q. Where were you coming from at the time you happened to be there?

A. I haven't been but from here to there—that is, I went from this place.

Q. Did you go no further?

A. No, sir.

Q. Did you cross the San Pedro river going down there?

A. I remember that we crossed the river there.

Q. You crossed the San Pedro river going down, and as you came back you crossed it coming back?

A. I didn't pass it. I say when my parents did come there I was there, crossing the river.

Q. And you crossed it with your parents when you came back?

32 A. No, sir. I can't state any further; I can't state any further what I remember, having been taken there by my parents when I was young.

Redirect examination:

Q. What river did you cross when you went from here to the Babacomari with your parents, if any?

A. I don't know which river.

Q. Do you know the San Pedro river now?

A. I haven't returned there.

JESUS NUNEZ, a witness called and sworn on behalf of the aforesaid petitioner, testified through the medium of the interpreter as follows:

Direct examination.

By Mr. HOWARD:

Q. State your name, age, and residence.

A. Jesus Nunez; I am 53 years old, and I live at San Xavier.

Q. Where have you usually lived in this country?

A. I am a native of this Territory.

Q. Did you know the Babacomari ranch?

A. Yes, sir.

Q. How large were you when you first knew it?

A. I was about 13 or 14 years old.

Q. Were people living there when you first knew it?

A. I knew Don Rafael Elias—so he was called—and the vaqueros (cowboys).

Q. Did you know Dona Eulalia Elias?

A. No, sir.

Q. Did you know Captain Ignacio Elias?

A. I knew him.

Q. Where did you know him?

A. I knew him at the ranch. He probably came on some business there. I knew him there. I saw him there.

Q. What were they doing there on this ranch—these people that you saw living there?

A. They were taking care of their stock and their horses. They had large numbers of them there.

33 Q. Who had this stock—this large number of horses and cattle there?

A. Probably the Elias people had them there. I knew the major domo who had them there. His name was Lonjino. He is dead.

Q. Lonjino what?

A. Lonjino Castro, the brother of the father of this man by the name of Castro here.

Q. Do you know the Ojo de Agua Caliente?

A. Yes, sir; it is what they call the present Ft. Buchanan; that is the Agua Caliente.

Q. Do you know the Santa Rita mountains?

A. Yes, sir.

Q. How near to the Santa Rita mountains is the Ojo de Agua Caliente?

A. About three leagues. Santa Rita lies that direction (indicating) and the Agua Caliente the other.

Q. Do you know where the place called the ciénega of José Franco is?

A. Yes, sir.

Q. How is that situated with reference to the Santa Rita mountains?

A. In front. It is opposite to it. Santa Rita lies in this direction (indicating) and the ciénega on the other.

Q. How far is the ciénega of José Franco from the Agua Caliente, more or less?

A. I think it is about 6 or 7 leagues.

Q. How were the Apache Indians about the time you first went to this grant. Were they at peace or war?

A. They were on the warpath. They were all very hostile.

Q. How long afterwards did they remain on the warpath and hostile?

A. For very many years, until I was already quite old; till the time we made this campaign to the Aravaipa.

Q. Do you know about, more or less, when this rancho of the Babacomari was abandoned by the people that were there? First do you know whether it was abandoned by these people that you have spoken of?

A. No, sir. They abandoned it for a time, but when they had to deliver some cattle they went back again. The owners had to deliver some cattle or stock, because there was quite a large number of stock and the herds would come quite near to this place—right near.

34 Q. Where were the people living on the Babacomari who had these cattle?

A. At Arispe.

Q. Where did the major domos and the vacueros live?

A. I believe they lived here in Tucson, and from here they would go to that place.

Q. Did they have any ranches on this property?

A. Yes, sir.

Q. Who lived on those ranche houses?

A. The major domo lived in them.

Cross-examination.

By Mr. REYNOLDS:

Q. Do you know where the old Camp Crittenden is?

A. I don't know which is Crittenden; maybe it is Buchanan.

Q. Do you know where Camp Crittenden is?

A. I don't know them by their new names.

Q. Do you know where old Ft. Buchanan was?

A. Yes, sir.

Q. That was down there then, wasn't it?

A. Yes, sir.

Q. That was there the first time you were ever there, wasn't it?

A. No, sir; the fort was built afterwards.

Q. How long afterwards?

A. I don't know about how long. At the time when the companies came in they built that fort.

Q. How far is that from where you say the major domo lived?

A. I have said that it is about 6 or 7 leagues.

Q. Which way?

A. To the east.

Q. When were you down there last?

A. The last time I was there was about 18 years ago, but there were no more people there. At the time when I went to what is now Los Nogales, what used to be called Los Nogales belonged to the Eliases, but now is called Charleston.

35 Q. How old do you say you were?

A. I was already grown. It was about 18 years ago.

Q. How old are you?

A. I am 53 years old.

Q. You were about 13 or 14 years old when you were down there at the major domo's?

A. Yes, sir; I was very young when I went.

Redirect examination:

Q. What soldiers or companies built Ft. Buchanan as you state?

A. Companies belonging to the United States Army; Capt. Fritch. I saw him at Tempe some time ago.

Q. How far do you say this Ft. Buchanan was from the old ranch-houses at the Babacomari?

A. It must be about twelve leagues. The cienega of Padre Franco is about six or seven leagues.

Q. Have you been to this warm spring that has been testified about?

A. Yes, sir.

Q. Is the water hot or warm?

A. No, sir; it is not warm; it is lukewarm. It can be drunk, because it is not so very warm.

Q. Is there any other warm spring in that country that you know of?

A. No, sir.

Q. Do you know the country pretty well around there? Have you ridden around there?

A. Yes, sir.

Recross-examination:

Q. You say you have been all over that country?

A. Of the Agua Caliente?

Q. Yes; and all around over this ranch.

A. Yes, sir.

Q. And never saw but one hot spring?

A. Yes, sir; I have seen others, but to this other side.

Q. Which other side?

A. To the Pinal side.

36 Q. I am talking about the Babacomari. I am not talking about the Pinal mountains.

A. You asked me whether I knew any more hot springs and I told you I do.

Q. Do you know any other hot springs down on the Babacomari ranch?

A. No, sir.

Q. You have been all over it?

A. I have been all over there; yes, sir.

Q. Do you know where that ciénega is?

A. Yes, sir.

Q. Do you know where the Mustang mountains are?

A. Yes, sir.

Q. How far is that from the ciénega?

A. That mountain lies between the Babacomari—the Quihui and the ciénega of Padre Franco; it can be seen from this place.

Q. What can be seen from this place?

A. It can be seen from everywhere, the mountain.

Q. I am talking about the Mustang.

A. Well, the Sierra del Mustang; yes.

Q. Can you see them from here?

A. Yes, sir; of course.

Q. Then the ciénega that you speak about is near that mountain that you can see from here?

A. Yes, sir.

Q. On the other side?

A. The ciénega lies on this side and the Babacomari lies on the other side, and the mountain of the Mustang can be seen from this place. You can see the Ojo de Davis from there.

Q. Is the ciénega of Padre Franco on the other side of the spring of Davis that you speak of?

A. Yes, sir.

Q. Which is the nearest, the ciénega of Padre Franco or the spring of Davis?

A. The spring of Davis at the place Andrade is, and the ciénega is the other side.

Q. And where are the Mustang mountains? Are they near the Davis spring? Which is the nearest this place, the Davis spring or the Mustang mountains?

A. Davis's spring.

37 Q. Do you know where the ciénega of Babacomari is?

A. Yes, sir.

Q. Where is the ciénega de Babacomari from the old ranch-houses there?

A. It lies near. About two or three hundred yards from it.

JOSÉ RODRIGUEZ, a witness called and sworn on behalf of the aforesaid petitioner, testified through the medium of the official interpreter as follows:

Direct examination.

By Mr. HOWARD:

Q. What is your name and age?

A. José Rodriguez. To get at my age better, I will say I am fifty

plus 25 years more. I was born and raised here. I am quite young yet.

Q. Where do you reside, Mr. Rodriguez?

A. I live here. I have been living here all my life.

Q. Did you know Capt. Ignacio Elias in his lifetime?

A. I knew General Elias—Don José Maria Elias. Don Rafael Elias was the owner of Babacomari, and Gen. Elias was the commander at Arispe.

Q. Who did you say was the owner of—San Pedro, you mean?

A. Yes; San Pedro. Don Rafael Elias.

Q. Did you know the Babacomari when you were a young man?

A. Yes, sir; I knew it very well.

Q. Who was living at the Babacomari when you first knew it?

A. At that time nobody would live there at San Pedro or Babacomari or other settlements nearest. They would gather under an escort. The vaqueros would not live there unless they would have their families, and would not do so unless they had an escort.

Q. What was an escort needed for?

38 A. To supply all the presidios with meat, which were the names I have just mentioned. To supply them with meat for their campaigns against the Apaches.

Q. Were there at any time you were on the Babacomari as a young man any cattle there?

A. All the time since I knew the place there was a large number of cattle there.

Q. What valley did you say?

A. Upon all the valleys there. The valley of the Babacomari and the valley of the San Pedro and all those valleys.

Q. Did you know to whom the cattle belonged that were on the Babacomari?

A. All that property was only known to belong to the Elias.

Q. Any particular Elias or the Elias?

A. No, sir; to Elias.

Q. Do you know the ranch-houses on the Babacomari?

A. Yes, sir.

Q. Is there a stream of water on the Babacomari?

A. Yes, sir; at Babacomari there is.

Q. How were the ranch-houses with reference to the stream? How near to it are they?

A. About 150 yards. The ranches are in that position (indicating) and the water below it.

Q. Do you know the cien-ga of the Babacomari?

A. Yes, sir.

Q. How does that lie with reference to these houses?

A. The ciénega is below and the rancho is on top of the mesa, and the water is in the other direction.

Cross-examination.

By Mr. REYNOLDS:

Q. Didn't you say awhile ago that those ranches were all abandoned from your earliest recollection except that with an escort sometime they would go down there and round up some cattle?

A. Yes, sir; I did say so, meaning, when I say abandoned, the people most of the time didn't live there unless when the interested party himself would come in to round up cattle to take to 39 Guaymas and other places, and then the people would come in there with their women.

Q. How long would they stay?

A. They stayed one month, or two; they could not stay longer. Frequently the owner would come in with escorts of 100 men to bring cattle out.

Q. Were not the cattle moving all along that country in all the valleys?

A. Yes, sir; there were cattle all over there, and they would collect the tame cows for milking purposes and for domestic uses.

Q. And cattle over on the Santa Cruz were the same way, too?

A. I want to know if you have reference to the presidio of Santa Cruz?

Q. I am talking about the Santa Cruz valley and river.

A. We haven't known by the name of Santa Cruz except a place which runs above the Agua Caliente. You have given that name to other places.

Q. You knew Babacomari by the name of the creek or river down there, didn't you?

A. Yes, sir.

Q. And Sonoita by the name of Sonoita creek?

A. Yes, sir.

Q. And San Pedro by the name of San Pedro river or creek?

A. Yes, sir.

Q. And Santa Cruz by the name of the Santa Cruz river?

A. Yes, sir.

Q. And cattle roamed indiscriminately all over them, didn't they?

A. Yes, sir; there were ranchos upon that tract and there were houses. Santa Cruz was there, and from there when the Apaches drove them away from this place they changed to the other place on the San Pedro.

Q. You mean the Santa Cruz was changed to San Pedro?

A. No, sir; when the old presidio of Santa Cruz was changed they went to what is now called Santa Cruz—the new Santa Cruz.

Q. You are talking about the old town of Santa Cruz down 40 by Fairbanks, that has been moved up since?

A. Yes, sir.

Q. Down by La Noria now?

A. Yes, sir; that is the one I am speaking of.

Q. I am not talking about towns. I am talking about streams of water.

A. Well?

Q. All those cattle roaming all over that country bore the Elias brand, didn't they?

A. All of them; yes, sir.

Q. Wasn't anybody else in this lower country having any cattle but Elias, was there?

A. No, sir; I didn't know anybody else except Elias.

Q. And they went all over the whole country, didn't they?

A. They went as far as Tres Alamos, and went all over the country.

Recess till 1.30 o'clock p. m.

GEORGE J. ROSKRUGE, a witness called and sworn on behalf of said petitioner, testified as follows:

Direct examination.

By Mr. HOWARD:

Q. What is your name, age, and residence?

A. George J. Roskruge; 48 years old; residence, Tucson, Arizona.

Q. What is your profession, Mr. Roskruge?

A. Surveyor.

Q. How long have you lived in this country, Mr. Roskruge?

A. I have been in Pima county about twenty years.

Q. In the course of your professional duties have you made surveys of Mexican private land claims or grants?

A. Yes, sir.

Q. Did you at any time, and, if so, about when, make an examination of the Babacomari land grant?

A. Yes, sir.

Q. State what kind of an examination you made—whether on the ground and how.

A. I went on the ground for the purpose of making a regular chain survey of the Babacomari grant, and when we went
41 down to look for the centre monument at the ciénega the man that lived there came out and said before I should make a survey of that grant I should walk over his dead body, and I then come to the conclusion that I better not make a survey with the chain, for I didn't propose to get killed then. The court will understand that I have been threatened and damned and cursed for making these surveys; not only for private individuals, but for the Government. I have had rather a hard row to hoe. When I want to get rid of a witness down there they kill him. When I went to make a survey of the San Rafael I took the precaution to make my will the day before. I never expected to come back alive. This man came out with a revolver and said I would have to walk over his dead body, and that means that he would either kill me or you kill him. I didn't propose to kill him and I didn't propose to have anybody kill me particularly, and I therefore went there and did the best I could.

Q. You did not make a regular survey?

A. No, sir; but I went there for the purpose of making a chain survey.

Q. What documentary evidence, if any, did you have with you when you went there to make the survey of this ground?

A. I had a certified copy of the expediente.

Q. Where did you get that certified copy?

A. Mr. Cameron had it.

Q. Certified by whom, if you remember?

A. I think by the surveyor general.

Q. Then, when you made this examination of this grant what was your method in making it, Mr. Roskrue?

A. Well, sir; as I tell you—

Q. I am speaking of the ground.

A. I went down to the centre to look for the monument. Of course I quit looking for the monument. I believe the wife of this man fired a load of shot in the vicinity of one fellow down 42 there and had a trial for it in Tombstone.

Q. That was the time they killed a snipe on the fence?

A. I believe something about that; yes.

Q. What did you do then?

A. I left that spot and we went then and traveled straight towards (interrupted)—

Q. From where?

A. From about that ciénega—about where the centre monument would be—right straight towards the hot spring, and went right over to what is now called Monkey spring.

Q. What course did you pursue in going there?

A. Pretty near a due westerly direction we went.

Q. Did you have the expediente with you then or a copy of it?

A. I had a copy of the expediente; yes, sir.

Q. Is that hot spring generally in that west course, as you went, from the locality of the centre monument?

A. Yes, sir; as straight as we could go to the hot spring.

Q. What did you find at the hot spring?

A. We found a warm spring there, and near it we found an old monument of stones right on the ridge overlooking the valley and facing the Santa Rita mountains.

Q. What kind of a monument do you think that was, more or less? Describe it.

A. The monument that I found there was an old monument, of course; all gone down, you understand—merely an old pile of stones—that was what it was. (Producing photograph:) There is the monument. After photographing this monument we lay down, for fear some fellow would fire a shot at us—dropped down like a lot of thieves. There (exhibiting photograph) is the monument towards the hot springs, looking towards the east. This is the west center monument at hot springs looking towards the southeast.

Said photograph was thereupon marked as an exhibit, "1."

43 Q. What did you do after you got to the old hot spring?

A. From there we went up what is called the Adobe cañon; which is about 5 miles and 60 chains, and there we found a big cottonwood tree in a little valley, right in the foot-hills of the Santa Rita mountains, that is probably five feet in diameter. In this photograph two men are shown with arms extended in front of the tree to show the size of the tree.

(Said photograph marked as an exhibit, "2.")

Q. Is there any other cottonwood in the neighborhood of this cottonwood tree?

A. No, sir. I went down that valley, and that is the only one. Here is another photograph of that cottonwood tree.

Q. One will do.

A. Very well.

Q. Then what did you do after you left that cottonwood tree?

A. Then we ran in a southeasterly direction to the top of a high hill, and on top of that high hill we found an old monument of stones, and from the top of that hill you could see the top of this cottonwood tree, looking over this spring.

Q. They were in line, were they?

A. Very nearly in line; yes, sir.

Q. Have you photographs of that monument on that hill?

A. (Producing photograph.) "Southwest corner monument, looking towards Santa Rita mountains."

(Said photograph was marked as an exhibit, "3.")

Here is a photograph of the hot spring.

(Said photograph was marked as an exhibit, "4.")

Here is a photograph of the hot spring, showing hill whereon is southeast corner monument.

(Said photograph was marked as an exhibit, "5.")

Here is photograph of little valley at foot of Santa Rita mountains, showing cottonwood tree, which is northwest corner.

(Said photograph was marked as an exhibit, "6.")

44 Here is west centre monument at hot spring, looking up cañon toward cottonwood tree, in little valley, showing Santa Rita mountains in the distance.

(Said photograph was marked as an exhibit, "7.")

Q. Who took these photographs?

A. I did, sir.

Q. What did you do after you went over this west line?

A. After that we came back to the centre or to the ranch-house, which is a mile from the centre.

Q. In which direction a mile?

A. A mile towards the west. We then went down straight to these bald hills; went right across the country on horseback.

Q. What course did you take?

A. We went right from here (indicating on map) to these bald hills.

Q. What direction?

A. Went towards the east.

Q. Did you find anything over that course which you followed before you got to the bald hills?

A. No, sir; the bald hills are right here.

Q. Go on and describe what you did.

A. We didn't find any hills till we came to these bald hills. There were three hills, all together. There is a photograph of the bald hill whereon is southeast corner monument, viewed from the west.

(Said photograph was marked as an exhibit, "8.")

Here is a photograph of the southeast corner monument on bald hill.

(Said photograph was marked as an exhibit, "9.")

Q. From that bald hill what did you do?

A. We then went towards the cañon here, north or very nearly north, to search for the monument, which is described as being near some tanks of water and, as I understand, little rocky hills, and there we didn't have any trouble in the world in finding a monument.

45 Q. Did you take a photograph of that monument?

A. Yes, sir; the east centre monument, on a rocky hill.

Q. You say a rocky hill?

A. Yes, sir; in among the rocks was the old monument.

(Said photograph was marked as an exhibit, "10.")

Q. From thence what did you do?

A. We kept on towards the north to the first high hill we found. Here is the photograph, the northeast corner. There we found a high hill covered with rocks as shown in the photograph. On top of it I don't think we found a monument; I am satisfied we did not.

(Said photograph was marked as an exhibit, "11.")

Q. In going from one of these points to another, Mr. Roskruge, did you pay any attention to distances at all? Did you pay much attention to the distance from one point to the other?

A. Yes, sir. That point of the cienege is run on my county map. I passed right through that cienege, so I knew to a foot where I was, and in coming by the hot springs that is a surveyed line, and I knew where that was. When I got to the top of this hill I took my bearings from a corner on the standard line and another from what is called the "Casadanka." From the northwest monument I took my bearing to the southwest monument and then took other bearings which I don't recollect now. I had run lines in there for grants, and I forgot now just what I did do, but I took enough to

satisfy myself that I could place it on the map. I did the same down here on the other corners.

Q. When you went from the centre monument to any one of these monuments which you have described as hot springs or the cottonwood or the southeast corner or the southwest corner or the northwest corner, what were you looking for when you went in those directions and courses? How did you obtain those 46 courses that you went to one of those points? From what did you obtain those general courses?

A. After I came back I made a map showing the whole country with my triangulating points, and from that I protracted the whole thing out, the same as in case of the Sonoita.

Q. You say you had a copy of the expediente with you?

A. Yes, sir.

Q. Are there any courses set out in that expediente?

A. Yes, sir; there are. I cannot recollect now, but to the best of my recollection I think they were a little mixed.

Q. What did you do with reference to those courses in looking for those points?

A. It was apparently run by a mariner's compass.

Q. Did you attempt to follow those courses?

A. I don't remember now, but the supposition is we did.

Q. How did the points which you found correspond with the calls in the expediente?

A. In starting from the centre monument at the cienega and running towards the west we came along over probably ten miles of what is called good ground—that is, from there the ground would be called good—and then from there the ground was very rough towards the hot springs, 3 or 4 miles further on.

Q. Did you find anything else in that neighborhood corresponding to the hot springs?

A. No, sir; didn't find any springs at all till we came to them.

Q. How did the hot spring in the topography correspond with the calls of the expediente?

A. Corresponds exactly to my idea.

Q. This cottonwood at the northeast corner—how did that correspond with the calls in the expediente?

A. It is on the Santa Rita mountains. It corresponds exactly and so does the spring in front of the Santa Rita mountains. If you stopped short you would be the other side of the Canilla range.

Q. How does the bald hill correspond with the calls of the expediente?

A. It corresponds with the calls of the expediente.

47 Q. These monuments that you found and the tree at the west end, how do they correspond with the natural objects set forth in the notes of survey?

A. There is no doubt in my mind but what they are the marks called for in the expediente; I haven't the slightest doubt in the world.

Q. How as to the other end?

A. The same thing exactly. I haven't got any interest in making grants except exactly what I believe to be so.

Q. Then from your experience, Mr. Roskruge, and having made surveys of private land claims and following the calls of expedientes, did you have any difficulty in locating this grant according to the natural calls?

A. No, sir.

Q. You compiled a map—I don't care how you made it—from your own reconnoissance?

A. Yes, sir; from the data that I took I made that map, and I believe it to be correct from the data that I took.

Q. You have said in going over this from the centre station up towards the point of bald hills easterly you came to some tanks of water or "ojos"?

A. Yes, sir.

Q. Where were those?

A. The tanks?

Q. Yes. Were they in the mesa or in the valley?

A. Right in the valley. The water is forced back before it goes down the cañon, and that forces the water up and forms these tanks.

Q. Were they the only tanks you saw in that neighborhood there? Did you examine?

A. The only ones I saw there.

Q. In what direction did they lie from this rocky hill, and about how near to the rocky hill?

A. Well, they lay west of it, and I think there was one or two just in front. I am talking now from recollection, you understand.

That was 4, 5, or 6 years ago, but at the time I was there I
48 was pretty well satisfied that was the point called for in the
expediente, and I couldn't see any other point to which I could go to find the corner.

Cross-examination.

By Mr. Barnes:

Q. Have you the field-notes you took that day—the originals?

A. No, sir.

Q. Where are they?

A. The last time I saw those field-notes I was in court. I was asked to produce those field-notes then. That was last June, I think.

Q. What case was being tried then?

A. The Sonoita case.

Q. Were you asked for the field-notes of the Sonoita case or the Babacomari case?

A. They were all in the same book.

Q. Where is that book?

A. I am going to tell you. They were all in that book. I brought that book into court and I went back and placed that book right on my tracing board and then I went in to California and I

was terrible sick and when I came back that book was gone among the rest and I never have been able to find it. I had data in there for my county map. That wasn't the first time my office was broken into and papers abstracted.

Q. When you speak of monuments in your testimony don't you mean piles of stones?

A. Yes, sir; piles of stones.

Q. And whenever you do use that word you mean piles of stones?

A. Yes, sir; unless it says a hill taken as a monument, and then I take the hill as a monument, or hills.

Q. I am not talking about that, but when you say monument don't you mean a pile of stones?

A. I mean a pile of stones, or whatever it may be called. Yes; a pile of stones is generally a monument.

Q. Take the map in your hand, so I can call your attention to it.

A. (Witness did so.)

Q. I understand you to say that you have no doubt what-
49 ever that you have correctly designated on this map this expediente according to its calls?

A. Yes, sir.

Q. You believe that?

A. Yes, sir; I believe it.

Q. Do you remember whether, in that expediente, it described that the corners of this area measured were square or whether they had acute or obtuse angles?

A. That don't cut any figure.

Q. I am asking you what you remember about it.

A. I don't remember about it.

Q. If the correct construction of this expediente is that the area had square corners you haven't it here, have you?

A. No, sir; not that area.

By Mr. HOWARD: To save time, we will admit that there is more distance in these calls than is called for in the survey.

By Mr. BARNES: We will take care of that.

Q. Mr. Roskruge, how wide did you make this grant?

A. Well, the grant in one part is five and a half miles and the other part is wider.

Q. How much wider? How long is the line between the northeast and southeast monuments on your map?

A. That I could not tell you unless I worked it out; probably 20 or 30 miles.

Q. Don't your map show you how long it is—7 miles and $2\frac{1}{2}$ —about 9 miles? Ain't the figures right there on your map? Read the figures at the end.

A. I did not understand your question.

Q. I asked you the length of the line between the northeast and southwest corners.

A. Oh, I will take it all back; $9\frac{1}{2}$ miles.

Q. Now, if the construction of that expediente is that this was to be one league wide you have it about three times that much?

A. Yes, sir.

50 Q. If the proper construction is that this grant is one league wide you have it three times too wide at that place?

A. Yes, sir.

Q. And how much too wide at the other end?

A. Well, that is a little over—7½ miles.

Q. Well, if the construction is one league wide you have it more than two or three times too wide on this map?

A. Yes, sir.

Q. Now, did you extend this map upon the basis of the correct measurement in the expediente?

A. No, sir.

Q. You did not?

A. I did not pay any attention to the measurements in the expediente at all.

Q. Paid no attention to distances at all?

A. No, sir.

Q. In extending the lines upon the ground did you pay any attention to the courses described in the expediente?

A. If I recollect right, as I said before, the courses were terribly mixed up.

Q. Did you follow the courses?

A. I don't recollect that I did.

Q. Did you try to?

A. I can't recollect that, either.

Q. What did you do out there?

A. I went straight from the cienga to the hot spring up the valley.

Q. How did you go—on horseback?

A. I went straight (interrupted)—

Q. Did you go afoot or horseback?

A. Horseback, sir; I kept (interrupted)—

Q. Who was with you?

A. Mr. Cameron and Mr. Bruce.

Q. What Cameron?

A. Brewster Cameron.

Q. And Bruce?

A. Yes, sir.

Q. Who was the person that was going to kill you?

A. The man that lives at the ranch—the old Lurty ranch.

Q. Wasn't there a white woman living there at that time?

A. I don't know who lived there at the time.

51 Q. The daughter of Mr. Lurty?

A. I believe a woman lived there that was charged with shooting at Mr. Bruce.

Q. Were you there at the time she fired a shot at Bruce?

A. No, sir; I wasn't. I only heard of it in the papers.

Q. You don't know what Bruce was doing there?

A. No, sir; I do not.

Q. Who else did you see down there besides that man?

A. I don't remember.

- Q. You don't remember anybody else?
A. I can't remember that I saw anybody else.
Q. Was Mr. Douglass there?
A. I don't remember that I saw him.
Q. Don't remember?
A. No, sir; I don't.
Q. If he was there, did he have any revolver strapped on him, or any Winchester?
A. No, sir.
Q. Didn't have anything of that kind?
A. No, sir.
Q. Who else did you see besides the one man that was going to kill you?
A. I did not see that man, even. Mr. Cameron and myself started out, and the man wanted to know where was Roskruge, and then he came and informed me that my life was in danger, and then I quit.
Q. And you and Cameron started for the hot spring?
A. Yes, sir.
Q. You knew where the hot spring was before you started?
A. Yes, sir.
Q. Had seen it before?
A. Yes, sir.
Q. Who suggested that you go on top of that hill to find the southwest corner monument?
A. Nobody.
Q. Did you go up there yourself?
A. Went up with the balance; we all went together.
Q. Had you ever been there before?
A. No, sir.
Q. What induced you to go on top of that hill? Did it correspond with the courses in the expediente?
A. In my opinion, it did; yes.
52 Q. Did it correspond with the distance in the expediente?
A. I don't think it did.
Q. Is the course on your map here the correct course from Monkey spring to the top of that hill?
A. Yes, sir; that is what it is.
Q. And that is the course you took?
A. Yes, sir.
Q. Did you make that course before you went on top of the hill and found a pile of stones, or after that?
A. I don't recollect whether—I probably took it before I went up there and then reversed it and took it back. That is the way I generally do.
Q. As a matter of fact, didn't you take that course and distance after you got home?
A. No, sir.
Q. How did you calculate that distance out there between Monkey spring and that pile of stones?
A. I triangulated from (interrupted)——

Q. Where did you triangulate from to calculate that distance?

A. I am just trying to tell you.

Q. Tell me now where you commenced that triangulation; tell where on this map you commenced that triangulation to make that calculation.

A. I told you before I have triangulated all (interrupted)—

Q. No, no; listen to my question, now. Where did you start your triangulation from—at what point on this map? Can't you tell that?

A. I went to the top of the hill and took the bearings of those two objects.

Q. You commenced your triangulation, then, from the top of that hill?

A. Yes, sir.

Q. At the point called the southwest monument?

A. Yes, sir.

Q. What did you do? Did you take that triangulation there? What did you do up there? What did you do?

A. I set up my instrument.

53 Q. Yes. What kind of an instrument was it?

A. And I took the courses to perhaps twenty different objects.

Q. What kind of an instrument was it?

A. Young & Sons' transit.

Q. And what point did you take as the basis of your triangulation from that point?

A. I took the quarter corner on the standard line and the half-mile corner at Casa Blanca.

Q. The quarter corner of what?

A. Of the public surveys.

Q. Did the public surveys extend over this whole country you were surveying?

A. Over that part; yes, sir.

Q. Had been extended over there, eh?

A. Yes, sir.

Q. Now, can you show us the place on this map which you say is the quarter corner which you made your triangulation to?

A. I can't do it; I don't know exactly where the Casa Blanca is.

Q. How far was it from the point where you stood to the point where you triangulated to?

A. Probably (interrupted)—

Q. Didn't you measure it?

A. No, sir.

Q. Did you go to the end of the line to triangulate anywhere?

A. No, sir; no need to go there.

Q. How do you triangulate from one end of the line? Will you explain that to us?

A. Those two corners made a base line.

Q. Did you every study trigonometry?

A. No, sir—studied it a little; yes, sir.

Q. Do you know how to measure the sides of a triangle?

A. There was a time I could work out every problem there was (interrupted)—

Q. What is necessary to be known in order to measure a given side of a triangle?

A. I want to tell you, sir (interrupted)—

Q. Never mind; answer my question. What is it necessary to know in order to measure the side of a triangle?

A. No, sir; I can't answer that question right now, sir.

54 Q. Did you know at the time you were out there on that mountain to triangulate that?

A. I knew then better than I do now.

Q. Did you know then?

A. Yes, sir.

Q. Well, how?

A. Because when I was in the surveyor general's office I learned that, certainly, and since then I have neglected the whole thing.

Q. Tell us, and tell us how you measured the distance from Monkey spring to (interrupted)—

A. I protracted it on paper.

Q. That is the only way?

A. Yes, sir.

Q. By the public survey?

A. Yes, sir.

Q. On the assumption that the public survey was correct?

A. Yes, sir, because I had measured it. I have gone over the public surveys for Mr. Richardson and measured them all.

Q. I understand you to say you measured the line from Monkey spring up to the southwest monument out there on the ground before you came home?

A. No, sir; I didn't say that.

Q. Now, what do you say? When did you measure it—after you got home?

A. After having all these points I came home and made a map and put the whole thing down and then protracted the whole business. I wouldn't have measured that grant for the whole country down there.

Q. Because somebody might kill you?

A. Yes, sir.

Q. As a matter of fact, didn't you measure the line from Monkey spring to that monument by means of dividers on that map by a scale?

A. No, sir; I couldn't do it. I made the body of the map—that is what I do right straight along—and from that I scaled it and protracted it and measured it, sir.

Q. Measured it with what?

A. Measured it with a scale.

Q. Well, I say after you got it protracted then you measured it?

A. Yes, sir.

55 Q. And by that scale you determined the distance of these lines?

A. I put it in at whatever it scales.

Q. Could not any good engineer take the scale on this map and, assuming these are section lines—section squares—tell the distance of any one of these lines?

A. Yes, sir.

Q. And is not that the way you did it?

A. Yes, sir.

Q. And that is the only way you did it?

A. That is the way I did it; yes, sir.

Q. Now, the calls of the expediente require that the line from Monkey springs eastwardly to the centre was 300 cords. Why did you protract this map upon the ground so that the line would be nearly 600 cords long?

A. Because I made a map showing what I believed to be the original calls of that expediente, knowing very well that the Mexicans never measured an inch of it.

Q. You were going on the theory that when those gentlemen said they measured 300 cords, as a matter of fact, they measured 600 cords?

A. I know they never measured an inch of it.

Q. Did you go on the theory that they were not on the ground?

A. That I didn't know anything about.

Q. Didn't you go on the theory that they measured it as you did—on horseback?

A. Of course they did; that is what they say.

Q. Did not Brewster Cameron point out to you every pile of stones that you have there?

A. No, sir; Mr. Bruce got tired and left. He had business somewhere else.

Q. You didn't notice any snipe on the fence when you were there?

A. No, sir.

Q. Did Brewster Cameron point out the monument at the southeast corner?

A. No, sir; he knew no more about it than I did; we found it.

56 Q. Who did point that out?

A. Nobody.

Q. Did you find that before you got that east centre?

A. Yes, sir; went there first.

Q. Went to the southeast monument first?

A. Yes, sir; because it is the most conspicuous object where the hills are, and we saw there were no hills between there and the cienequa.

Q. Where did you ride from to ride to the southeast monument? Did you ride from the centre up there?

A. No, sir.

Q. Where did you ride from?

A. From the bald hills.

Q. Where are they on the map?

A. At the southeast corner.

Q. You rode from those bald hills?

A. Yes, sir.

Q. Where did you ride from to the bald hills?

A. I think we went into camp, then; I can't remember exactly.

Q. Where did you camp?

A. I think we camped back of the house.

Q. Away back at the centre?

A. I think we did.

Q. How did you get the line at the point of this angle up to the southeast monument?

A. Merely laid it off on paper and protracted it.

Q. That is the only way you knew of it?

A. Yes, sir.

Q. And how from the centre up to the east centre monument?

A. By locating the east centre monument from points that I knew and laying it out on the map and protracting it.

Q. Do you know how many cords there are between those two points?

A. No, sir. I had to go to the point called for.

Q. Your protracted map makes it 13 miles and over?

A. Yes, sir.

Q. Is not 13 miles over 500 cords?

A. I think it is.

Q. And don't the expediente call for 400 cords on that line?

A. I don't recollect what it calls for.

Q. How many sitios did the expediente call for?

A. I think an eight-league grant.

57 Q. Did you protract this with any regard to the size or quantity of the grant?

A. No, sir; not a bit.

Q. No attention to courses or distances either?

A. No, sir.

Q. Now, if you were endeavoring to verify another man's survey, would not you go out and try to find the lines he surveyed and measure them?

A. Yes, sir; I would; an American surveyor, but not a Mexican surveyor, when, in going over the grant, you find they are 10 or 15 miles out.

Q. Why didn't you endeavor to run the lines of this expediente?

A. I tried to do so again and again and found the mesas called for were 10 or 15 miles ahead of me. What's the use stopping in the middle of a plain?

Q. When the expediente says they measured 60 cords on a course and estimated 40, what would be the difficulty in measuring 60 cords and estimating forty?

A. I tell you, Judge (interrupted).—

Q. Did you try it?

A. Those cords of theirs was terribly long stretched, and their estimate was a little out, in my estimation.

Q. Did you try it?

A. No, sir.

Q. Is not fifty varas a unit of measure well known among surveyors?

A. Yes, sir.

Q. Usually determined; as to the length of it I mean?

A. Yes, sir.

Q. Having done that, was there anything in your way of measuring 60 cords from the centre westward?

A. Nothing at all, except the fellow that might have shot me.

Q. If he hadn't been there what would have been in the way of your going to the end of sixty cords and then estimating 40 cords beyond that?

A. Because I don't think I could have estimated it.

Q. Then you would not be as good a surveyor as the man
58 who surveyed the expediente?

A. It would be a terrible rough guess—right across a lot of hills.

Q. Does it go right down the valley or up the valley, or how?

A. A. What?

Q. That line going westward from the centre. Is it not open, level plain from the centre down there 6 or 7 miles, and does not your map show no hills there till you get away down where the letter "N. 89 degrees" is?

A. Yes, sir; you could survey sixty cords there easy enough; it is good-running country.

Q. Why didn't you do it?

A. Because I was afraid that man would kill me. That is the only reason, you understand.

Q. What kind of a gun did that man have?

A. Mr. Cameron says he had a six-shooter in his hand.

Q. Did he follow you?

A. I don't know that he did. He came and cussed me, understand, on account of the county line that I took.

Q. The three of you?

A. No, sir.

Q. Well, you and Bruce and Cameron, you say?

A. Well, I was in terrible bad company.

Q. Well, I say there were three of you?

A. Yes, sir; there could be a whole army of us, come to that.

Q. Did you have any guns with you?

A. No, sir; I never carry a gun.

Q. Did Cameron or Bruce have a gun?

A. I couldn't say. I don't carry weapons at all. I have been here twenty-odd years and never carried a gun.

Q. This dotted line on your map that runs through the ciénega, how long is that line?

A. Where?

Q. That dotted line running right across there (indicating); how long is that?

A. $7\frac{1}{2}$ miles.

Q. No; it says $6\frac{1}{2}$ and 2, doesn't it?

A. This looks like a 5 here.

59 Q. I believe it is a 5; you are right. What part of a league is that, or how many leagues?

A. About 3 leagues.

Q. How many cords is it?

A. 600.

Q. 600 cords?

A. No; 300, I guess, it would be.

Q. You stood on this hill—the southwest monument—and you say you could look away across over there and see that cottonwood?

A. Yes, sir.

Q. And when you saw that cottonwood it was right in line with you, wasn't it? You said awhile ago when you looked across there and saw that cottonwood it was right in line with you?

A. I said it was very nearly in line with the spring.

Q. At the centre?

A. Yes, sir.

Q. There are a great many foot-hills of the Santa Ritas over there—foot-hills and cañons and rolling hills?

A. Yes, sir.

Q. Great many places where water runs down there in times of rain? A great many places of that kind?

A. Of course; when it rains, plenty of places.

Q. Is that the only cottonwood down there?

A. The only one I saw there.

Q. Did you go into any other cañon?

A. No, sir; there are plenty of cottonwoods in Sonoita cañon.

Q. They don't grow on tops of hills?

A. No, sir.

Q. Always grow in cañons where there is water?

A. Most of the time.

Q. Now, what kind of a pile of stones is that on top of the bald hill—the southeast monument?

A. Just an ordinary pile of stones.

Q. That is the place where Cameron and Bruce lay down; hid behind the pile of rocks?

A. No, sir; they lay down when they got near Mr. Richardson's.

Q. (Referring to photograph.) That is the pile of stones near the southeast monument, is it?

A. Yes, sir.

60 Q. What kind of a pile of stones was it at the northeast corner?

A. No pile of stones at all; nothing but a high hill.

Q. That (indicating) is the northeast corner?

A. Didn't find any monument there.

Q. This is the place you picked out on top of the hill?

A. Yes, sir; top of the hill.

Q. There is no especial pile of stones there?

A. None at all that I could find.

Q. The east centre, what kind of a pile of stones is there there?

A. There (selecting photograph No. "10") is a photograph of it.

Q. This is the pile of stones?

A. Yes, sir.

Q. Who are the two men standing there?

A. Brewster Cameron and a Mexican boy. Mr. Bruce had left us; got scared and had business somewhere else.

Q. How far from the pile of stones are those horses?

A. I couldn't tell you; perhaps 8 or 10 feet.

Q. Close by?

A. Yes, sir; you can't tell anything about photographs for distance or size.

Q. That is the reason I ask you. Now show us the picture of the monument at the southwest corner on top of the hill.

A. There it is (exhibiting No. "3").

Q. This is the one where they were lying down—hid?

A. No, sir.

Q. What one was that?

A. That was the one at the spring.

Q. Now, this is the one on top of that hill?

A. Yes, sir.

Q. Now, where is the one down by the spring, at the west centre?

A. (Handing counsel Exhibit "1.") That is Monkey spring.

Q. This is the one where they are hidden?

A. Yes, sir.

Q. Is not that them lying down back out there?

A. Yes, sir.

Q. You had travelled a good deal that day and it was warm?

A. Not for those fellows, I guess.

61 Q. That is the pile of stones you took for a monument on top of that hill (referring to another photograph in evidence)?

A. Yes, sir.

Q. And that (indicating on photograph) is the instrument you made these triangulations with?

A. Yes, sir; that is the instrument.

Q. How near is that to Monkey springs?

A. A couple of hundred feet.

Q. Does it look towards the Monkey springs or away from it?

A. I couldn't say that. I have photographs here of Monkey springs. Here is another (handing photograph to counsel).

Q. This is a picture of Monkey springs, is it?

A. Yes, sir.

Q. Can you tell us whether that monument is to the right or to the left of it?

A. Right.

Q. And that point you see there is the point of the corner of the grant? Off to the right of the photograph marked "5" is this monument?

A. Yes, sir.

Q. About how far from that spring?

A. About 200 feet.

Q. How much higher?

A. Oh, very little difference; 40 or 50 feet difference in altitude; I couldn't tell.

Q. Now take the photograph entitled "Cottonwood tree in little valley at northwest corner;" that is the photograph of the cottonwood tree?

A. Yes, sir; and the little valley—no, here is the photograph of the little valley (passing Exhibit "6" to counsel).

Q. Well, the cottonwood is in the little valley, is it not?

A. Yes, sir; and these is two men there to show the distance of it. I was taken ill when I got to that place and wanted to go to Richardson's, but they wouldn't take me.

Q. Afraid to go there?

A. Yes, sir; they were.

Q. Did you see Richardson while you were out there making that survey?

A. Yes, sir.

Q. Is he the man that you are afraid of?

62 A. No, sir; I ain't afraid of Mr. Richardson, but I want to show you the feeling that existed between them down there.

I was half-way dead and I wanted to go there then and they wouldn't take me there.

Q. You were afraid to go?

A. No, sir; afraid of nothing.

Q. Who was afraid, then?

A. I was afraid of that fellow that lived at the house (interrupted)—

Q. Had he been following you down there?

A. These fellows kept following you up, understand; they don't stop with a few miles. They have assassinated five of my friends down there now.

Q. Who were the friends they assassinated?

A. Not right there in that valley, but in the southern part of the Territory; that country, understand. They assassinated Fritz and Rafferty and his wife and Judge Fuqua. They knew too much about land grants. They assassinated Frank Oury.

Q. Did you calculate the area of this grant?

A. No, sir.

Q. Never have?

A. No, sir.

By Mr. HOWARD: At this time I move to strike out all this evidence with reference to assassination. It is utterly immaterial and irrelevant and I do not wish the record to be cumbered with this stuff.

By Mr. REYNOLDS: He is your witness. We are willing it should go out.

By the COURT: Very well; it will be stricken out.

By Mr. HOWARD: We wish to introduce Mr. Bonillas's testimony when he comes back. He wishes to leave, and we would like to take his testimony when he comes back.

By Mr. REYNOLDS: But Mr. Bonillas is now in the court-room

and we insist that he be sworn and testify now, if at all, in this case.

63 By Mr. HOWARD: He has been detained here by the subpoena of this court. We aver that his evidence is material, and he has to go upon the ground to verify the matter about which he will testify.

By the COURT: You may take his evidence if you can get it in before the case closes.

Petitioner rests.

F. C. MERRILL, a witness called and sworn on behalf of the Government, testified as follows:

Direct examination.

By Mr. BARNES:

Q. Where do you reside?

A. At the present time in Graham county, in a place called Layton, Arizona.

Q. How long have you resided in the counties of Graham, Co-chise, and Pima, in the southern portion of Arizona?

A. A little upwards of 17 years.

Q. When did you first come into the San Pedro valley?

A. In the year 1846, in December.

Q. At that time did you go up the Babacomari creek to its head and down into the Sonoita?

A. No, sir; we did not.

Q. What was your course?

A. From where we struck the river in our march westward we came over what is now known as the Guadalupe pass and came over on what is now known as the San Bernardino ranch, and from there we struck westerly across to the foot of the San José mountains, and from there we struck the San Pedro river; then we took down the river till we passed the mouth of the Babacomari, which we now understand is the name of it, after I came back there,

64 and then we crossed to the ciénega at Pantano.

Q. Were you upon the Babacomari at all?

A. Only as we crossed above the mouth of it.

Q. In going over across that country, was anybody living there?

A. No, sir.

Q. No person at all living there?

A. No, sir; not that we saw.

Q. How far was that ciénega from the mouth of the Babacomari?

A. Well, as near as I remember, and it is 48 years ago, it was about four miles that we struck across from the San Pedro. We tried to avoid the river on account of the roughness of the hills.

Q. Did you come over by the Empire ranch?

A. No; we went east of that.

Q. You came through this side of the range?

A. Yes, sir.

Q. You could see the country very well on your route?

- A. We could see where there was no hills, of course.
Q. Was anybody living on the San Pedro there?
A. No, sir.
Q. Nobody lived on the San Pedro or Babacomari at all?
A. No, sir; we saw no inhabitants of any kind.
Q. At that time did you know that creek by the Babacomari creek?
A. No, sir.
Q. But since then you have been over there and know that that was the Babacomari creek?
A. Yes, sir.
Q. Do you know whether it had a name at that time or did you hear of a name for it?
A. Not that I remember of.
Q. Didn't hear its name at that time?
A. No.
Q. When was it after that time, in 1846, that you went there; how long time elapsed before you saw that valley again?
A. I then returned to this country with a small colony in the year 1877.
Q. Was anybody living in that valley at that time, claiming under a grant in the Babacomari?
65 A. Not that I know of. A man named Gearey had a herd of sheep at what we termed the head of it, between the Huachucas and the Whetstones.
Q. That was the only person there when you first came back?
A. Well, I didn't see him, either. I will tell my story: When I came to Tucson, in August, 1877, with my colony I got acquainted with a man named Thomas Gardiner, who had a ranch at the foot of the Santa Rita mountains, near the Empire ranch now, and there we located for a season until we got recruited from our travel; then I took two of my men and went on a prospecting tour. I skirted the east side of the Huachuca mountains (interrupted)—
Q. You crossed that valley, then?
A. Yes, sir; crossed what is now known as the Babacomari—the head of it.
Q. (Referring to map.) Now, suppose this is Greaterville and that is Gardiner's ranch?
A. Yes; there is where we stopped.
Q. And in going to the Huachucas you crossed over in here (indicating)?
A. Yes, sir.
Q. And here was a water-shed here?
A. Yes, sir.
Q. And during the rainy season water run through there?
A. Yes, sir.
Q. Anybody living in there then?
A. No, sir; nobody. There was a company of United States soldiers in camp where the Huachuca post now is.
Q. Away across there (indicating)?
A. Yes.

Q. Did you go to the post now called Camp Crittenden?

A. That is near Gardiner's ranch—the head of the Sonoita valley.

Q. Where did you finally settle down in there?

A. As I told you, on my exploring expedition I went to the line between the two republics—I judged it to be the line by the monument. I was told by Gen. Wasson here in Tucson that there had been a line run by the United States and the Republic of Mexico, and if I looked close I would find the monuments, which I 66 did, and then I took my course down the San Pedro river, and when I came to the country I was very cautious, or I wanted to be, for I had been instructed not to get on any grant or onto any Indian reservation, because we wanted to make a permanent settlement—that is what I came to the country for—and I got all the information I could from the surveyor general, which was Mr. Wasson at that time, and he told me where he had surveyed across the San Pedro river that he had sectionized to a certain point and then run a township line still further south, but had failed, in consequence of want of funds, to complete the survey, and he told me if I would get anywhere below that that I would be perfectly safe in making a location for final settlement; so I did. I located about nine miles below the mouth of the Babacomari, on the other side, at the place now called St. David's.

Q. About how many families located there then?

A. Then only 8 families, 33 souls in all.

Cross-examination.

By Mr. HOWARD:

Q. That is not on the Babacomari—St. David's—is it?

A. No, sir.

By Mr. HOWARD: It is immaterial to this case. I have no questions.

CHRISTOPHER LAYTON, a witness called and sworn on behalf of the Government, testified as follows:

Direct examination.

By Mr. BARNES:

Q. How long since you first came into southern Arizona?

A. Well, I came in the same time Col. Merrill did first.

Q. In 1846?

A. Yes, sir; in 1846. I think it was in December.

Q. Did you come from the east or the west?

A. I had enlisted in the Iowa volunteers and came in with 67 Col. Cook, in the war with Mexico.

Q. Where did you cross the San Pedro river—how near the mouth of the Babacomari creek?

A. Somewhere above there. We came by the San Bernardino

ranch and struck our way westward and across the San Pedro and then across the Babacomari, to the best of my recollection.

Q. How far from the mouth of the Babacomari did you cross that valley?

A. I couldn't say.

Q. Your best judgment?

A. Quite a little distance.

Q. How far from the ciénega up there—that wet place or marsh?

A. Oh, we were away above that.

Q. Away above that?

A. Yes, sir; where we crossed.

Q. Now, was there anybody living in the Babacomari valley at that time—any habitation or houses or people?

A. Not at all, sir, I believe.

Q. Nobody there at all?

A. I don't believe there was.

Q. How long after that was it that you ever came back into that country?

A. Well, I came back—it is about 11 years and 3 months, as near as I recollect, since I came back here. I liked it when I went through here, and I thought it was a pretty good stock country, and I came back to locate it.

Q. You came back there, you say, about 11 or 12 years ago?

A. It is 11 years ago.

Q. You found Col. Merrill over there?

A. Yes, sir; he had been there several years, I think. He was living at a place called St. Davids.

Q. Did you go up on the Babacomari at that time?

A. Oh, yes; sir.

Q. Was there anybody living up there at that time claiming to own under a grant?

A. I don't know that they claimed that, but there were people living up there.

68 Q. Settlement up there?

A. Yes, sir.

Q. Some people settled there under the public land laws?

A. I think they claimed to do so.

Q. Who were they that you know of?

A. Land and Hayes were in there with some stock. No; it appears to me they came the year I went there. I think they did.

Q. Yes?

A. And several others that I disremember the names of.

Cross-examination.

By Mr. HOWARD:

Q. The San Bernardino ranch lies in what direction from the San Pedro river?

A. East, I should say, pretty near. Well, southeast, to the best of my judgment.

Q. You came from the east to the San Pedro?

A. Yes, sir.

Q. And you followed it down till you passed the mouth of the Babacomari?

A. No; we crossed the Babacomari.

Q. Do you know what is called the Box cañon of the Babacomari?

A. I believe I do.

Q. Have you traveled up it?

A. Oh, yes; I had stock there and bought a place there.

Q. When you first came to this country did you cross the Babacomari above the west end of the Box canyon?

A. The first time?

Q. Yes, sir.

A. We crossed the Babacomari just above where it empties into the San Pedro and south of it.

Q. How far from where it empties into the San Pedro?

A. Quite a little distance.

Q. A mile or two miles?

I think we camped there, to the best of my recollection.

Q. At that time you did not go any further up the Babacomari; more than a mile?

A. No, sir; something like that.

69 Q. Did not go away up the valley of the Babacomari?

A. Not at that time.

Redirect examination:

Q. Was that party the first Americans that came here—the first with the American flag?

A. We were the first that came. We came around the end of the Whetstone mountains, and Mr. Merrill and I helped raise the stars and stripes in Tucson.

Q. The first time it ever was raised here?

A. Yes, sir; I think the old ruins right under the hills there, somewhere in this direction (indicating westward)—and some one was telling me it is there yet. Yes, sir; we hoisted the first stars and stripes here; we enlisted in the Iowa regiment in the war with Mexico as volunteers.

Recross-examination:

Q. When you passed the mouth of the Babacomari, was Col. Merrill with you the first time you crossed?

A. He was our adjutant.

Q. The first time?

A. Yes, sir.

WILLIAM J. Ross, a witness called and sworn on behalf of the Government, testified as follows:

Direct examination.

By Mr. Barnes:

Q. Mr. Ross, when did you first see what we now know as the valley of the Babacomari?

A. In 1868.

Q. What were you doing there?

A. I was in the army.

Q. At that time was there anybody living in the valley between what is now known as Crittenden, down to its mouth, claiming to be occupying under a grant?

A. No, sir; there was one garrison there known as Fort Wallen.

Q. That was a garrison of soldiers?

A. Yes, sir.

70 (No cross-examination.)

PETER R. BRADY, a witness called and sworn on behalf of the Government, testified as follows:

Direct examination.

By Mr. Barnes:

Q. What is your name?

A. Peter R. Brady.

Q. When did you first come into what is now known as the valley of the Babacomari?

A. 1854.

Q. Was anybody living there then claiming to be occupying it under a Mexican grant?

A. No one.

Q. Was anybody living there at all?

A. No one.

Cross-examination.

By Mr. Howard:

Q. What time in 1854 did you come?

A. April.

H. O. FLIPPER, a witness called and sworn on behalf of the Government, testified as follows:

Direct examination.

By Mr. Reynolds:

Q. Go and get your sketch board, Mr. Flipper.

A. (Witness did so.)

Q. What is your occupation?

A. Civil engineer.

Q. What is your present employment?

A. Special agent, Department of Justice.

Q. Assigned to what office?

A. Assigned to the office of the United States attorney for the court of private land claims.

Q. State whether or not, under my direction, you have been to the city of Hermosillo to investigate the archives there with
71 reference to this Babacomari grant.

A. Yes, sir; I have.

Q. How lately?

A. (Referring to memorandum.) I was in Hermosillo on the 7th of the present month.

Q. (Exhibiting document.) Did you have this document with you?

A. I did.

Q. Did you compare it with what you found in the archives?

A. I did.

Q. You found a copy of it there?

A. Not an exact copy; no, sir.

Q. What was the difference?

A. There is a preamble in this which was not in the one in Hermosillo; also a granting clause at the end which was not in that one at Hermosillo. The pregones here were set out in full in the one in Hermosillo; they are not here. The three almonadas were given in full in the document there; they are not here.

Q. Did you find in Hermosillo a copy of the grant as attached to this instrument?

A. No, sir; no such copy there.

Q. I will get you to state whether or not the gentleman, Mr. Rochin, in charge of the archives there, gave you all assistance in his power.

A. He did.

Q. Now, as to the construction of the instrument at Hermosillo, describe the kind of paper it is on; also the dates; whether stamped paper; and, if so, of what dates.

A. I can read from my notes?

Q. You may use them to refresh your memory.

A. First and second sheets of paper, 2 reales, for the years 1822 and 1823, seal third. The third and fourth pages are on Mexican paper, seal fourth, for the years 1824 and 1825. Fifth and sixth sheets on paper of Fernando 7th for the years 1811 and 1812. The seventh sheet on Mexican paper, fourth seal, for the years 1824 and 1825. Eighth, ninth, tenth, and eleventh sheets and twelfth sheet on paper of Fernando 7th, fourth seal, for the years 1811 and 1812.

72 Thirteenth sheet, Mexican paper, fourth seal, for the years 1824 and 1825. Four, Mexican paper, fourth seal, for the years 1824 and 1825. Fourteenth sheet on Fernando 7th paper for the year 1811 and 1812. 15th, 16th, 17th, and 18th sheets on Mexican paper of the fourth seal, and nineteenth sheet on Mexican paper of the fourth seal for 1829 and 1830. That is all the paper that was used.

Q. Have you had occasion to investigate Mexican and Spanish archive documents in relation to private land claims?

A. I have.

Q. When did you first commence your work in that respect?

A. In 1882.

Q. In what capacity were you acting at that time?

A. I was surveying the public lands under concessions given by the Mexican republic.

Q. How long were you engaged in that?

A. Ten to eleven years.

Q. In Mexico?

A. In Mexico; yes, sir.

Q. You are thoroughly familiar with the system of surveying under Spanish and Mexican systems?

A. Yes, sir.

Q. As it existed in Sonora and Mexico?

A. Yes, sir.

Q. Your surveys were principally in what State?

A. Sonora and Chihuahua.

Q. State what is meant by "stamped paper" in reference to titles and the importance attached to it.

A. The stamped paper had different prices according to the different taxes that the government collected on documents.

Q. I know, but what was required with reference to stamped paper?

A. A paper of the year in which the document was made should be used. Many times when the paper was out other paper was used, and it was marked on the top that it was good for the year in which it was used.

Q. That is what I want. Now, when paper was used different from the year for which it was used officially state whether 73 or not that fact was officially noted.

A. The paper to be good should be so noted at the top. For instance, paper of last year to be good for this year should be noted that it was made good for the year in which it was used.

Q. Were any such notations made in this expediente?

A. None that I saw.

Q. By whom should that notation be made?

A. Should be made by the official who sold the paper, the treasurer general of the State.

Q. Did you compare the notes of survey in that document with the notes of survey in the expediente at Hermosillo?

A. I compared the calls; yes, sir.

Q. How did they correspond?

A. The calls are the same in this as in that at Hermosillo.

Q. Can you take the description of the property by courses and distances as given in that document which is called the "titulo" and also given in the document called the expediente at Hermosillo and locate it?

A. No, sir; some of the calls are impossible.

Q. Take your chalk and blackboard and locate your first point arbitrarily anywhere on the board.

A. (Witness did so.)

Q. Now take this translation and lay those lines down where they are or where they can be called off, and if they cannot be laid down explain why they cannot.

A. The first course in the expediente is "east northwest quarter east to the west southwest quarter west." The first course, "east northwest quarter east," is impossible; you cannot jump from east to west; it passes a cardinal point. The next one, west southwest quarter west, can be and it would be somewhat in that direction (illustrating on board). Now, taking that (indicating) as a starting point, the first line would run about like that (indicating) 100 cords which run to a point in a little valley.

74 Q. That is the point in the little valley close to some bald hills, is it?

A. Yes, sir. Then there were measured and counted in the same direction 243 cords, and 57 cords more were estimated in the same direction; that would be down there (illustrating). The next course can be determined. It would run in that direction, more or less (indicating on board), 60 cords. "Southeast quarter south southwest;" that cannot be determined. It passes a cardinal point. "To complete the side of the square in the opposite direction;" that is impossible because it passes a cardinal point. "North northwest quarter northwest;" that can be determined. It would run like that (indicating). Now, returning to the centre monument, "west southeast and east northwest;" both of these are impossible. He states that he measured 74 cords and estimated 26 and then measured 300, which brings us to the end of the tract. It is impossible to get to the other end of the tract in that way, because we do not know in what direction he run it.

Q. Those, then, are the only lines that you can lay down?

A. Yes, sir; the others are impossible.

Q. Now, if Mr. Roskruge's location of the natural objects called for in here are topographically correct on his map, if you start at the centre monument and run out the courses that the expediente calls for it would not bring you to them, would it?

A. No, sir; it would not.

Q. And if you run out the distances it would not bring you to them?

A. No, sir; it would not.

Q. In other words, that is all you can lay down of this grant from the calls of this title paper which you say correspond with the calls in the expediente at Hermosillo?

75 A. If I could get out to the end of this line (indicating) and knew what direction to give the next call, "south southwest quarter southeast," which is also impossible, I might be able. The next one, "north northwest quarter northwest," is possible, and the next, which is the same, is possible, but "south southwest quarter southeast" is impossible.

Q. In other words, it is impossible to lay them down, because they go from a point that cannot be laid down itself?

A. Yes, sir; of these three courses here (indicating on board) one is possible; it runs somewhat in this direction (indicating) and the others impossible.

Q. Because the calls reverse the line and run it the other way?

A. Yes, sir.

Q. There is not any way to lay this grant down so as to close it up?

A. None whatever.

Q. Taking the distances and the calls?

A. Most of the calls are impossible.

Q. I say, taking the angles and the distances given in the expediente can it be laid down at all?

A. It cannot; it is impossible.

Q. Nor would the calls and distances carry you to any of the natural objects?

A. They would not.

Q. Or would it carry you anywhere near them?

A. No, sir; they would not.

Q. But would carry you in an entirely different direction?

A. For instance, the hot spring is pretty nearly due west from that point (indicating the initial point) and the line called for is south 70 degrees west, so following this course would go nowhere near that.

Q. In other words, you follow the course from the centre line and it would not bring you anywhere near Mr. Roskruge's point, running it out any distance?

A. No, sir; his centre monument is wrong; it is not the true centre monument.

76 Q. Have you had occasion to examine the country with reference to piles of stones called by Mr. Roskruge "monuments"?

A. On his centre line I have; yes, sir.

Q. And what did you find?

A. At the ciénega? He describes the centre monument as being in a ciénega. There is no monument there whatever. On the north side of the ciénega, probably 300 yards from it, there are three piles of stones.

Q. Describe them.

A. Three monuments on a line nearly east and west, each of them about eight inches high, each one of small loose stones about three feet wide. The middle one contained nine large stones, about 8 x 8 x 6. The west one has stones about the size of the middle one and about three feet across. The stones in all of them are laid together loosely, and I would not take them to be monuments. The middle pile is forty feet from the west pile and thirty feet from the east pile.

Q. I will get you to state as to the finding of monuments of that same character all over that country.

A. Yes, sir; any number of them all over that country.

Q. What do you ascribe them to?

A. To Indians.

Q. What did you find at Monkey springs?

A. At Monkey springs itself there is no monument; it sets in sort of a vale and about 200 yards west of it, on top of a hill, is a loose pile of stones. The monument described in the expediente, where the estimated distance terminates at the hot spring at the foot of a bald hill, at the foot of that hill there is not even one rock that I could find in any direction until you get on top of the hill and then there is a pile of stones.

Q. What is the character of that pile?

A. Just thrown together; not piled up at all; probably four feet across, of the same kind of stones as seen in other places.

Q. Have you ever had occasion to reduce to cords the various lines laid down on this Roskruge map?
77

A. Yes, sir; I have.

Q. I wish you would give us that so we may have it in cords.

A. From what is called the centre point on this map to the east centre monument the distance is 511 cords. From the east centre monument to the northeast monument is 267 cords. From the east centre monument to the southeast monument is 95 cords. From the starting point at the ciénega to the west centre monument the distance is 564 cords. From the west centre monument to the northwest monument is 219 cords. From the west centre monument to the southwest monument the distance is 76 cords. Those are Mr. Roskruge's distances given in miles and chains reduced to Mexican cords.

Q. How many cords in a linear league?

A. 100.

Q. Have you had occasion to calculate the area of that map as given—the area of that grant as given on that map?

A. Yes, sir.

Q. How much did you find it?

A. I find that the figure here does not close. I balance it and find that it contains 131,500 acres.

Q. About how many sitios would that be?

A. About 30 and a half—30½.

Q. Did you find any peculiarity in regard to the recital in the expediente and this document here with regard to the reason why this document had been issued—this document called the "titulo"?

A. There is a communication from the treasurer general, Gaxiola; he says that the honorable congress of the union had been consulted by the government of the State of Sonora as to their authority to issue titles, and until answer had been received he gave the certified copy of the expediente—the one they have.

Q. That is endorsed on the document there, is it?

A. Yes, sir.

78 Q. Have you read the similar one in the Boquillas?

A. Yes, sir.

Q. Is that part of the title issued by Mendoza or attached to it?

A. It is attached to it. It is signed "Gaxiola, treasurer general of the State of the West."

Q. Attached to the expediente down there?

A. Yes, sir.

Q. Now as to the year?

A. 25th of April, 1828.

Q. That is the certificate?

A. Yes, sir.

Cross-examination.

By Mr. HOWARD:

Q. Mr. Flipper, you have stated that there are some impossible courses?

A. Yes, sir.

Q. After starting from the centre monument?

A. Yes, sir.

Q. Don't you think those courses were mistakes?

A. I have no way to know what they were.

Q. Now, if you were going to make a survey, having a centre point given to you and you started towards the east along a valley to carry out one of these lines given in this grant, don't you think you could take the calls of that grant and locate that east centre monument?

A. No, sir. I might if I could get a straight line to go to two or three points.

Q. If that call went east instead of southwest and you took that course you could go to the natural monuments in the grant?

A. It is impossible to know what that call means. Your translator didn't know what it meant; it has been corrected in your translation a dozen times. "Southeast quarter south southwest," you have got to jump from the east and pass the south cardinal point to get to the west. It is impossible.

Q. You, in fact, went to the east centre monument, as set out in Mr. Roskrug's survey?

A. Yes, sir.

79 Q. Did you look at that natural object as called for in the expediente?

A. It calls for a rocky hill. There is a rocky hill there.

Q. Is there any tank of water before you get to that?

A. None whatever; not now; not a sign of a tank.

Q. Disregarding the wrongful courses given and the distances, does not that rocky hill correspond with the call for the east centre monument in the expediente?

A. No, sir; because there are not only the rocky hill marked on this map here, but five or six of them running across in this direction and I don't know which one is referred to in the expediente.

Q. Did you go to the southeast corner as called for in Roskrug's map—the bald hill?

A. I did not.

Q. Did you go to the hill called the northeast corner of the Roskrue survey?

A. I haven't said that I did.

Q. I have not said that you did. I am asking you if you did.

A. No, sir; I did not. I went over the centre line.

Q. You did not go to the southeast or to the northwest corner as set forth here?

A. I did not.

Q. Did you go to the northwest corner set forth in this survey?

A. I did not.

Q. Did you go to the southwest corner set forth in this survey?

A. I did not.

Q. Therefore you did not see the natural objects there set forth in that survey?

A. That hill in the southwest corner is visible from Monkey springs.

Q. Is the northwest corner visible from there?

A. No, sir.

Q. Is it visible from the top of the hill in front of that spring?

A. It is not.

Q. Therefore you cannot say whether the northwest corner—the tree—is visible from the southwest corner monument?

A. I cannot.

Q. Have you followed the general trend up and down of the Babacomari creek?

A. I have.

Q. What is the general course and distance of it, east and west?

A. Generally it is east and west; yes, sir.

Q. Is it not generally that the valley and creek is included within this Roskrue map?

A. Yes, sir; it is.

Q. From the east end to the far west?

A. It goes over on to the head of the Sonoita.

Q. It passes the Hot spring?

A. It passes one of them; there are two.

Q. Where are they?

A. One is near Ft. Crittenden, east of Monkey spring.

Q. North or south of it?

A. South of Fort Crittenden; in there somewhere (indicating on map).

Q. That is north of the present Hot spring?

A. It is north of the Monkey spring.

Q. What is called Hot spring is what we term Hot spring in the Roskrue (interrupted)—

A. Yes, sir; but the other one is known in the country there as Hot spring and this one is known as Monkey spring.

Q. That is, since you have known it there?

A. Yes, sir.

Q. How long have you known that Hot spring?

A. Known it since 1886 or 1887.

Q. Does this Hot spring that you speak of just north of the Hot spring that we speak of in the Roskruge survey, is that in a valley or on a hill?

A. It is in a little valley. It is on the south bank of the Sonoita creek.

Q. From that spring can you see the southwest corner—the bald hill?

A. You cannot.

81 Q. Can you from there see the northwest corner?

A. You cannot.

Q. How does that lie with reference to the Santa Ritas?

A. They are in full view from there.

Q. From that spring?

A. Yes, sir.

Q. This titulo which we have here and which you have testified about, is that stamped paper throughout—the proper stamped paper, according to your ideas, of the State of Sonora—of the dates they purport to be?

A. This titulo purports to have been issued in 1831, and these are for the years 1831 and 1832.

Q. Then you would consider that correct paper?

A. Yes, sir; in this titulo.

Q. Do you know of any regulation or law which requires the paper used in the matrix and expedientes—requiring them to be on stamped paper?

A. All official documents are required to be written on stamped paper.

Q. Have you examined a great many other expedientes and matrixes in Sonora?

A. Yes, sir; I have.

Q. Many of them?

A. Yes, sir.

Q. Many of them on stamped paper?

A. The same as any stamped paper. The one in the Nogales is in stamped paper, but that stamped paper was replaced before the title was issued.

Q. Do you know of any law or any ordinance requiring expedientes or matrixes to be on stamped paper?

A. The law requires all to be on stamped paper.

Q. I am speaking particularly. Do you know any law requiring the paper on which matrixes are written to be stamped paper?

A. The law of 1825 of Sonora and the law of 1834 says that proceedings shall be on stamped paper, and the denouncer of land has to pay for it.

Q. Do you know of any law by which matrixes must be 82 on stamped paper?

A. I do not know that any law says particularly that matrixes shall be.

Q. You do not know of any law requiring matrixes to be written on stamped paper?

A. The law says proceedings and denouncement of land shall

be written on stamped paper—two laws of 1825 and of 1834. Those three laws so state.

By Mr. REYNOLDS :

Q. Which is the larger of those two springs on the west end of this claim as laid down there?

A. The south one—Monkey spring—is the larger spring.

Q. How far apart are they?

A. Probably a mile or a mile and a half, nearly due south from the Hot spring.

R. R. RICHARDSON, a witness called and sworn on behalf of the United States, testified as follows:

Direct examination.

By Mr. BARNES :

Q. What is your name?

A. R. R. Richardson.

Q. How long since you first went down on the Babacomari creek?

A. About 1881 and 1882.

Q. Where have you lived since then?

A. I have lived in that part of the country about Crittenden most of the time.

Q. Have you lived at Old Camp Crittenden most of the time?

A. Yes, sir.

Q. That is one of the headquarters of your cattle ranches?

A. Yes.

Q. What kind of spring is there near there?

A. This large warm spring.

Q. What do you do with it?

A. We ditch it down the valley about three miles for irrigating the Hughes ranch and also for stock purposes.
83

Q. Where is that other spring from there?

A. About a mile and a half from there, I should judge.

Q. What direction?

A. South.

Q. How about the size of that spring—the amount of water?

A. Well, I think that is about three times as large as the one at the upper place.

Q. Is that a hot spring, too?

A. Warm spring; yes, sir.

Q. What did you do with that water?

A. Run it down the valley and put it in another ditch with other water.

Q. How far below there did you irrigate with these waters?

A. Run it about four miles down the valley further, making about 7 in all.

Q. How many people settled in that valley cultivating the lands, claiming under the Government?

A. Sonoita valley?

Q. Yes, sir; in round numbers.

A. Hard to tell you.

Q. No; I mean the Babacomari—yes; that is the Sonoita over there at Crittenden?

A. The warm springs runs down the Sonoita.

Q. And the watershed is broken there between the Babacomari and the Sonoita?

A. Yes, sir; the first break is six or eight miles out.

Q. How many people are there living inside the Roskruge survey on the Sonoita in there, or are they all below?

A. They are all below, with the exception (interrupted)——

Q. How many on the other side in the Babacomari, living in there, claiming under Government entries?

A. I couldn't tell you; I know 4 or 5 families.

Q. Now, are you acquainted with the foot-hills of the Santa Ritas?

A. Yes, sir.

Q. Ridden all over them after cattle?

A. Yes, sir.

84 Q. In the cañons that come down towards old Camp Crittenden are there more than one?

A. Yes, sir; quite a number.

Q. Are there any cottonwood trees there in those canyons?

A. Yes, sir; almost all those cañons have cottonwood trees in.

Q. Do you know of any cottonwood tree in any one of those cañons having a distinctive mark on it?

A. No, sir.

Q. Does not the watershed from the Santa Ritas run down in all the cañons that side of the mountain?

A. Yes, sir; a great many cañons for miles there.

Q. How great is the distance between the west centre monument of the Roskruge map and the west centre monument—about how far is it?

A. I don't know. I didn't know where they had those monuments located.

Q. How far from Camp Crittenden down to Fairbanks?

A. Well, I should think in the neighborhood of thirty miles, at a rough guess.

Cross-examination.

By Mr. HOWARD:

Q. You say that all these cañons that come down out of the foot-hills of the Santa Ritas have a number of cottonwood trees in them on both sides; did I understand you?

A. Not all; but quite a number.

Q. Not all of them?

A. Some have not.

Q. Have they all a number of cottonwoods in them?

A. Some have not any, perhaps some one or two, and others a dozen or more.

Q. Do you know this cañon where the little cottonwood is—have you seen it—in this survey of Roskruge's I mean?

A. No, sir; I don't know where it is located.

Q. Have you been to it?

A. I have been in all those cañons.

Q. Have you been to this particular cottonwood tree located here?

A. I never noticed it particularly, but chances are I have passed it.

85 Q. Would you think it unusual, Mr. Richardson, to go into a nice level valley in the foot-hills of the mountains and find a nice-looking valley like this, and would you think it remarkable to find a fine cottonwood tree there and no more?

A. I can show you several valleys there where there are one or two or three. We have one valley where there is a fine spring and two cottonwood trees.

Q. What cañon is that?

A. That is the Alamo, about four miles further east than the warm spring.

Q. The northern of the two warm springs?

A. Well, in an easterly direction, about four miles further east than the warm springs.

Q. The northern of the two warm springs?

A. Well, in an easterly direction, about four miles from them—from either of them. They are almost north and south.

Q. Can you name any other cañon where there is only one cottonwood tree?

A. Yes, sir; two miles further east—Papago cañon, where we have a spring.

Q. How many trees are there there?

A. One particular one right at the spring, but two or three there.

Q. Two or three right there together?

A. No; only one at the spring.

Q. Below, how far are the other trees you speak of?

A. I couldn't tell you exactly.

Q. 100 or 200 yards?

A. Probably a quarter or half a mile.

By Mr. BARNES:

Q. Did you ever go up on top of the hill southwest of Monkey spring?

A. Yes, sir.

Q. You have?

A. A good many times.

Q. What is up there in the way of piles of stones?

86 A. You find piles of stones a good many places there.

Q. On top of the hill?

A. Yes, sir.

Q. Can you look from there and see a cottonwood tree in any particular cañon?

A. I would say yes, sir; quite a number of them in different cañons, but I don't remember of seeing any one in particular. I know those cañons are in view from there.

By Mr. HOWARD:

Q. When you were on top of that hill did you have an instrument with you?

A. No, sir.

Q. A surveying instrument containing a telescope?

A. No, sir.

Q. Did you have a telescope?

A. No, sir.

By Mr. REYNOLDS: I want to offer the expediente in the Boquillas case for the purpose of showing the reference to the issuance of the title in this case so that I may get the exact Spanish of it. That is the only purpose for which I offer it.

Of course if counsel on the other side insists on our putting the whole of the document in we will do so, but it is only for the purpose stated that I care for it.

By Mr. HOWARD: Very well, you may put that in.

By Mr. REYNOLDS: Of course the document may be before the court for any proper purpose, but the only portion I wish is with reference to the issuance of title.

I desire to offer in evidence the certificate of the treasurer general, with translations, as to the condition of the treasury books at Hermosillo. I will file with the clerk before tomorrow morning a translation of this document now offered in full. A great many portions of it we do not disagree about, but as to some parts there seems to be some disagreement. As soon as it can be made I
87 will file our translation with the court, with the certificate of the Government translator.

By Mr. HOWARD: We should like to have an hour, at the outside, in the morning for rebuttal if the court will indulge us so far. We are not ready to proceed now, but will be as soon as court convenes in the morning.

By the COURT: Very well.

Adjourned until tomorrow morning at 9.30 o'clock.

WEDNESDAY, March 28, 1894—9.30 o'clock a. m.

Appearances as before.

R. C. HOPKINS recalled on behalf of petitioners in rebuttal.

Direct examination.

By Mr. HOWARD:

Q. Mr. Hopkins, will you please state who was Francisco Robles, resident of Sonora?

A. I learned in 1879, when I was in Sonora in connection with

this matter, that she was the widow of Florencio Elias, son of Ygnacio Elias.

Q. Who did you learn that from?

A. From Judge Domingo Elias and others of the family. He was a nephew of Ygnacio Elias.

By Mr. REYNOLDS:

Q. Did these Elias belong to the family of Rafael Elias?

A. I cannot state now as to that.

Q. You say he was the nephew of Ygnacio Elias?

A. Judge Domingo Elias is a nephew of Ygnacio Elias.

88 Q. Do you know who Ygnacio Elias was?

A. Well, I forget the name of his father now, but I have known.

Q. Wasn't he sometimes known by the name of Ygnacio Elias Gonzales?

A. Gonzales was the common name, I think.

Q. This man Ygnacio Elias you refer to in the title papers, was he also known as Ygnacio Elias Gonzales?

A. Perhaps; I am not certain as to that.

Q. Was he a son of Rafael Elias?

A. That I am not certain of. I can't remember.

Q. Did you ever hear of a man by the name of José Juan Elias?

A. Perhaps I have; I cannot now distinctly remember. I have to some extent forgotten the genealogy of the family of Elias. It is a large family and it has been so long ago that I can't recollect distinctly.

By Mr. HOWARD: I will state that we offered numerous documents in support of the chain of title, including those that are filed in the surveyor general's office in the matter of this grant. We offered those with the understanding that abstracts of all those documents should be filed in the case.

By Mr. REYNOLDS: We wish abstracts filed, of course, at some time, but that may be done hereafter.

Petitioner rests.

By Mr. REYNOLDS: I desire to offer in evidence, for the purpose of showing the genealogy of this family, a deposition, taken in the suit in which the present plaintiff was a party, on behalf of Ainsa, trustee of the estate and administrator of Ely, against the estate and administrator of Juan José Elias, dec'd; Robert Perrin, and a lot of others, for the purpose of showing the genealogy of this family and their various names—the names by which they were called. The deposition was not taken in this case, and ordinarily it

89 would not be competent.

Rest all. Testimony closed.

Argument of counsel followed.

WEDNESDAY, March 28, 1894—3 p. m.

By Mr. HOWARD: I trusted to have a witness as to the character of the paper made in Mexico which Mr. Flipper testified about. I sent a telegram to the treasurer general of the State of Sonora, and he says it is extended upon the debilitated paper made good for the year in which it is supposed to have been written. I would like the privilege of filing that telegram.

By Mr. REYNOLDS: There is no objection.

By the COURT: It may go in.

90

OFFICE OF SURVEYOR GENERAL,

TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

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EXHIBIT A.

Titulo.

De merced de ocho sitios de tierras para eria de ganado mayor y caballada que comprende el puesto nombrado San Ygnacio del Bavocomari, en jurisdicion del presidio de Santa Cruz; expedido por la Tesoreria General de Sonora, á favor del ciudadano Ygnacio Elias y Da. Eulalia Elias, el primero vecino de Rayon, y la segunda de Arispe.

92 Sello segundo.
Doce reales.

[SEAL.]

Para los años
de 1831 y 32.

José Maria Mendoza Tesorero general del Estado libre Yndependiente y soberano de Sonora:

Por quanto al arto. 11 del soberano decreto numero 70 del Congreso General de la union fha. 4, de Agosto de 1824 concede á los Estados las rentas que en dicha ley no se reservó la Federacion y siendo una de ellas la de los terrenos de sus respectivos distritos, que les pertenecen por consecuencia, para cuya mercedacion dictó el honorable Congreso Constituyente del Estado que fué unido de Sonora y Sinaloa la ley numo. 30, de 20, de Mayo de 1825, así como las successivas legislaturas otros decretos relativos: Y habiendo hecho formal denuncio el ciudadano Ygnacio Elias y Da. Eulalia Elias el primero vecino de la villa de Rayon, y la segunda de esta capital, ante la Tesoreria general que fué del Estado unido al terreno nombrado San Ygnacio de Bavocomari sito en la jurisdiccion del presidio de Santa Cruz, les fué admitido conforme á derecho con fha. 1º de Julio de 1827, y el escrito de denuncio, decreto de comision y auto de obedecimiento, son del tenor siguiente.

Sor. Tesorero General:

Dn. Ygnacio Elias y Da. Eulalia Elias ante V. S. se presentan en debida forma y dicen: Que nesecitando terreno para bienes de campo, denuncian en consorcio de Dn. Rafael Elias, el capitán Dn. Ygnacio Elias y Dn. Nepomuceno Felix el baldio que linda con el rancho de San Pedro en la comprehencion de Santa Cruz, hasta

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

el punto de tres Alamos, obligandonos á satisfacer á la Nacion los derechos que le correspondan, con lo demas que fuese de justicia hasta adquirir el titulo de merced y confirmacion, para cuyo efecto se hade servir V. haber por registrado y denunciado dicho terreno baldio, por tanto. A V. S. suplicamos se sirva mandar proveer como solicitamos lo que recibiremos merced.

Arispe 12 de Marzo de 1827.

Por ausencia y ruego de—

DN. YGNACIO ELIAS.
JOAQUIN ELIAS.
EULALIA ELIAS.

COSALA, 1º de Julio de 1827.

El Alcalde de policia de Santa Cruz, procederá con facultad que para ello se le confiere ~~sin~~ perjuicio de tercero que mejor derecho represente, y previa citacion de los colindantes, á las medidas avaluos y pregones por treinta dias consecutivos de las tierras que espresa el anterior denuncio, sujetandose en toso al Soberano Decreto del honorable congreso constituyente del Estado numero 30, de 20 de Mayo de 1825, y al reglamento que le acompaña y evacudas que sean dichas diligencias las remitirá á esta Tesoreria, citando á los poseedores que resulten para que ocurran por si ó por apoderados, sal remate que debe celebrarse en dicha oficina previas las tres públicas almonedas de estilo. El Tesorero general del Estado Nicholas Maria Gajiola, así lo decretó y firmó.

GAJIOLA.

En el presidio de Santa Cruz y á los cinco dias del mes de Octubre de mil ochocientos veinte y ocho:

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32

en vista del antecedente decreto del Señor Tesorero General cumplase lo mandado del citado decreto fecha 1º de Julio de 1827, y al efecto con citacion de los interesados, colindantes perito agrimensor y demás oficiales necesarios que se deberán nombrar pasese por mi á la Hacienda de San Pedro con el fin de que se proceda á la mensura de los sitios que los interesados desean. El Ciudadano Alejandro Franco Alcalde constitutional del presidio de Santa Cruz,

por este auto asi lo determinó y firmo con testigos de asistencia con quienes autua por receptoría por falta de escribano público segun derecho.

Por ALEJANDRO FRANCO,
RAMON ROMERO.

De asistencia:

RAMON ROMERO.

De asistencia:

FRANCISCO GAUNA.

Seguidamente procedió el Alcalde Agrimensor, previa citacion de colindantes, al nombramiento del oficial contador, medidores
95 y apuntadores que lo fueron los ciudadanos Lorenzo Sortillón, Andres Montoya, Pablo Elias, Antonio Campoy y Mauricio Neira, quienes aceptaron y juraron cumplir fiel y legalmente con sus encargos, y dio el Alcalde las medidas que constan en las siguientes diligencias.

En el referido puesto y el mismo dia mes y año para proceder á la medida, estando presentes los interesados oficiales nombrados y testigos de asistencia mande que se midiese un cordel de cincuenta varas y atados sus extremos á dos astas, se procedió á la enunciada mensura por el perito agrimensor Ciudadano José Maria Caballero,

Sello cuarto.

Una cuartilla.

[SEAL.]

Para los años.
de 1831 y 32.

quien colocando el Agujon tomo el biento este Norueste cuarto al este para veste surueste cuarto al ueste donde hice poner mojonera cruz, y desde dicho punto por el referido punto se midieron y contaron Cien cordeles que remataron en un vallecito con inmediacion á unas lomas pelonas en donde hice poner mojonera, y por ser ya tarde hice recoger la cuerda y que los oficiales y demas, se retiraren á descansar hasta el dia siguiente que continuase la medida, lo que pongo por diligencia, y lo firmé con lod de mi asistencia y demas interesados que me acompañaban de que doy fé.

Por ALEJANDRO FRANCO,
RAMON ROMERO,
YGNACIO ELIAS,
JUAN NEPOMUCENO FELIS,
YGNACIO ELIAS GONZALES,
JOSÉ DE CABALLERO,
LORENZO SORTILLÓN,
96 Por ANTONIO CAMPOA Y
MAURICIO NEIRO,
FRANCISCO GAUNA,
Por ANDREZ MONTOYA,
Y por mi PABLO ELIAS.

Asistencia:

RAMON ROMERO.

Asistencia:

FRANCISCO GAUNA.

En el paraje en que mandé poner la segunda mojonera nombrado el valle de San Ygnacio de Babocomari, y acompañado del interesado, perito agrimensor, oficiales nombrados, para continuar la medida por el mismo rumbo y á los veinte y un días del mismo mes y año, hice reconocer de nuevo la cuerda de á cincuenta varas usuales y reconocida que fué se amarraron sus extremos en dos astas y tendida

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

la cuerda, se midieron y contaron por el mismo rumbo doscientos cuarenta y tres cordeles que remataron encima de una loma que da vista al viento sur surueste en donde se suspendió la medida por lo fragoso de la tierra muchas y profundas cañadas que se presentaban por el rumbo de esta medida, por lo que fué de necesidad por mi y por el perito agrimensor hacer la regulacion de cincuenta y siete cordeles mas para el completo del costado de tres sitios para ganado mayor, terminando esta regulacion en el ojo de la Agua Caliente frentero de la Sierra de Santa Rita al pie de una loma 97 pelona en donde mandé poner mojonera esquina, que dá vista á la falda espresada Sierra y insinuado ojo de la Agua Caliente y desde dicho punto por seguir la fragocidad del terreno y profundas cañadas para dar la cabezera de estos sitios por mi y por el perito agrimensor a es cuadro de la medida ya espresada por el viento referido regulamos por el viento Noroeste cuarto al Nornoroste para Sureste cuarto al Sursurueste, Sesenta cordeles hasta el pie de un alamito que queda da en un pequeño valle al pie de la enunciada Sierra de Santa Rita y para el completo de la cabezera o cuadra por el viento opuesto sursu

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

nreste cuarto al sueste para el Nornoruesta cuarto al Noroeste se regularon los ostros cuarenta cordeles que terminaron en una loma que tenia varios encinos en donde mandé que pusieren las correspondientes mojoneras con lo que con estos tres sitios para ganado mayor y el medido del dia anterior se completaron cuatro sitios: y por ser mas del medio dia mandé nos retirasemos para la mojonera del centro como en efecto habiendo llegado á la espresada mojonera del frente de la Cienega de San Ygnacio del Babocomari hecho reconocer de nuevo la cuerda de cincuenta varas y amarrados sus extremos á las espresadas dos astas tendida la cuerda por el rumbo 98 nreste Sueste para Este Noroeste se midieron y contaron Setenta y cuatro cordeles que terminaron encima de unas lomas con inmediacion á la punta de la Agua en donde por ser yá noche se concluyó la medida de este dia retirandonos todos á descansar, lo que pongo por diligencia firmando con el

interesado perito agrimensor oficiales nombrados y testigos de asistencia de que doy feé.

Por ALEJANDRO FRANCO,
RAMON ROMERO,
YGNACIO ELIAS,
JUAN NEPONUCENO FELIS,
LORENZO SORTILLON,

Por ANDRES MONTOYA Y

Por mi PABLO ELIAS,

Por ANTONIO CAMPOA Y
MAURICIO NEIRO,

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831-32.

FRANCISCO GAUNA,
YGNACIO ELIAS GONZALES,
JOSÉ DE CABALLERO.

Asistencia :
RAMON ROMERO.

Asistencia :
FRANCISCO GAUNA.

En el referido puesto y á los veinte y dos dias del mismo mes y año. Yo el Juez comisionado el interesado perito agrimensor y demás oficiales nombrados hecho reconocer la cuerda de cincuenta varas y el rumbo del dia anterior por este mismo rumbo tendida la cuerda se midieron y contaron, veinte y seis cordeles para el completo de cien cordeles para el costado de un sitio de ganado mayor y por el mismo rumbo pasando la cuerda por ensima de varias lomas y cañadas se midieron y contaron trescientos cordeles pasando á los ultimos por un valle con inmediacion á los Tanques del ojo 99 de Agua y terminando estos arriba de los espresados Tanques, en una loma pedregosa endonde mandé poner mojonera esquina con lo que se completó el costado de los otros cuatro sitios para ganado mayor en donde puesto el Agujon por el perrito agrimensor, puesta la cuerda escuadra y formando con el rumbo anterior un angulo recto ó de noventa grados, reconocida la cuerda y tendida por el rumbo Sursurueste cuarto al Sueste para el Nornorueste cuarto al noroeste, se midieron y contaron cuarenta cordeles correspondientes á los del anterior cabesiado de los

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

otros cuatro sitios, terminando estos encima de unas lomas pelonas en donde mandé poner mojonera esquina y volviendo al centro de la medida de esta cabesera por el rumbo opuesto Nornorueste cuarto al Noroeste para el sursurueste cuarto al Sueste se midieron y contaron sesenta cordeles para el completo

de los cien cordeles terminando estos en la cima de un serro muy encumbrado con lo que se concluyó la medida efectuandose el total de los ocho sitios para ganado mayor registrados por el Ciudadano Ygnacio Elias y su hermana Da. Eulalia ; y dandose por recibido, quedó conforme con las espresadas medidas, advertido que oportunamente señalara sus linderos de cal y canto segun está prevé-
 100 nido y para constancia lo firmó con migo y todos los que supieron con los de mi asistencia con quienes actuó por re-cep-toria á falta de escribano segun derecho.

Por ALEJANDRO FRANCO,
 RAMON ROMERO,
 YGNACIO ELIAS,
 LORENZO SORTILLON,
 Por ANDREZ MONTOYA Y
 Por mi PABLO ELIAS,
 Por ANTONIO CAMPOA Y
 MAURICIO NEIRO,
 FRANCISCO GAUNA,
 JUAN NEPOMUCENO FELIS,
 YGNACIO ELIAS GONZALES,
 JOSÉ DE CABALLERO.

Sello cuarto.
 Una cuartilla.

[SEAL.]

Para los años
 de 1831 y 32.

Asistencia :
 RAMON ROMERO.

Asistencia :
 FRANCISCO GAUNA.

Yncontinenti procedió el Alcalde al correspondiente avaluo del terreno por medio de peritos intelligentes, que lo fueron los ciuda-danos Pablo Elias y Ramon Romero, quienes verificaron dicho acto segun sus practicos conocimientos, previo juramento que otorgaron, y con arreglo á las superiores disposiciones de la materia, Justipre-ciando en trescientos ochenta pesos, por tener seis sitios agua corriente á razon de sesenta pesos cada uno ; y dos por ser aridos y secos á diez. Con este avaluo el Alcalde lo sacó al pregon en solicitud de postores por treinta llas consecutivos desde el 30., de Octubre de 1828 hasta el 28 de Noviembre del mismo año. No resultó nin-guno ; concluyó el expediente y con oficio de 30, de Noviembre se remitió á la Tesoreria general para practicar en ella las demás 101 diligencias hasta su remate. Con decreto de 19., de Diciem-bre pasó la citada al conocimiento del promotor Fiscal cuyo pedimento es el que á la letra sigue.

Sor. Tesorero General :—Este expediente contiene la mensura de ocho sitios de tierra para cría de ganado mayor y caballada practicada por el Alcalde de Santa Cruz en los parajes de San Ygnacio del Babocomari. Nada encuentro en contrario para que dejen de

adjudicarse á los pretendientes sino es que ecceden del numero á que pueden concederse por el

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

articulo 21 del decreto del 20 de Mayo de 1825, empero si V. S. está asegurada de los requisitos que expresa el 22.—Soy de opinion que se rematen en favor de los registrantes, á menos que no aparesca otro mejor postor. Alamos Diciembre 20 de 1828.

FELIPE GIL.

Y habiendo conformado la Tesoreria general con el preinserto pedimento Fiscal por auto de 22, de Diciembre, procedió á las tres pùblicas almonedas en el mismo dia 22, el 23 y 24 en solicitud de postores, y no habiendo resultado ninguno, quedaron rematados los ocho sitios de tierra para cría de ganado mayor y caballada en el puesto de San Ygnacio de Babocomari á favor del ciudadano 102 Ygnacio Elias y Dona Eulalia Elias como se Justifica de la 3a. almoneda que sigue.

3a. Almoneda—En la nominada ciudad de la concepcion á los veinte y cuatro dias del mismo mes y año hallandose reunidos el señor presidente y vocales de la espresada Junta de almonedas, dispusieron se evacuase la tercera y remate de los terrenos que menciona este expediente, lo cual se hizo en la misma conformidad que los dos anteriores, con solo añadir el pregonero que en este momento hade quedar celebrado el remate. Y habiendo dado la plegaria de las doce de este dia, sin que ocurriese postor alguno dijo por ultimo el pregonero en alta voz, á la una, á las dos, á las tres :

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

que se remata, que se remata, que se remata : que buena, que buena, que buena pro les haga á Dn. Ygnacio y Dona Eulalia Elias. En tales terminos se concluyó este acto quedando pùblica y solemnemente rematados á favor de dichos interesados los ocho sitios de tierra para cría de gauado mayor y caballada en el paraje nombrado San Ygnacio del Babocomari Jurisdicción del presidio de Santa Cruz, en la cantidad de trescientos ochenta pesos as i que fueron 103 avaluados. Y para la debida constancia se pone esta diligencia que firmaron los Señores Presidente y vocales de la Juntacon el Ciudadano Capitan Ygnacio Elias como apoderado de los interesados.

GAJIOLA.

ALMADA.

GIL.

YGNACIO ELIAS GONZALES.

En seguida procedió el apoderado Capitan ciudadano Ygnacio Elias Gonzales á enterar en Tesoreria los trescientos ocenta pesos en

que fueron avaluados y rematados los ocho sitios de tierra del puesto del Babocomari, como se acredita de la certificacion que á la letra sigue.

Nicolas Maria Gajiola Tesorero General de las rentas del Estado de Occidente—Certifico que al folio 3 vuelta del manual de esta

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

Tesoreria del corriente año se halla sentada con esta fha. la partida siguiente.

Cargo en mercedes de tierras trescientos ochenta pesos que enteró el Capitan D. Ygnacio Elias á nombre de Dn. Ygnacio y Da. Eulalia Elias vecinos de Arispe, por la merced de ocho sitios de tierra para cría de ganado mayor y caballada en el paraje nombrado San Ygnacio del Babocomari Jurisdicción del presidio de Santa Cruz, avaluados en la indicada cantidad que se remataron á su favor sin opositor alguno en Junta de almonedas celebrada en esta Tesoreria el dia 24 de Diciembre procsimo pasado. \$380.00.

104

GAJIOLA.
YGNACIO ELIAS GONZALES.

Y para que conste doy la presente en Alamos á ocho de Enero de mil ochocientos veinte y nueve años.

NICOLAS MARIA GAJIOLA.

Agregada la preinserta certificacion original al expediente de la materia, quedó este concluido con todos los requisitos y formalidades que previenen las leyes relativas, custodiándose en esta Tesoreria general para perpetua constancia.

Por tanto usando de las facultades que me conceden

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

las leyes, por el presente y á nombre del Estado Soberano de Sonora, confiero merced en forma de derecho, de ocho sitios de tierra para cría de ganado mayor y caballada que comprende el puesto nombrado San Ygnacio del Babocomari, sito en jurisdicción del presidio de Santa Cruz á favor del ciudadano Ygnacio Elias y Da. Eulalia Elias, á quienes concedo, doy y adjudico dicho terreno por vía—de venta-, y con las calidades firmesa y subsistencia que establecen las leyes, para si, sus hijos, herederos y subcesores, con todas sus entradas, salidas, usos, costumbres, servidumbres, maderas, montes, pastos, arguas, agujas, abrevaderos y demás que les correspondan; con la precisa calidad y terminante condicion de que

105 han de mantener poblados y amparados dichos sitios, sin que

esten despoblados, desiertos ni desamparados por tiempo alguno, bajo el apercivimiento

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

de que si verifica su total abandona por espacio de tres años consecutivos y hubiere alguna persona que los denunciare, en tal evento con previa calificacion del hecho se declararan por baldios, y se adjudicaran de nuevo á favor del mejor postor, exceptuandose como es justo aquellos casos en que el abandono sea por notoria invacion de enemigos y por solo el periodo de semejantes acontecimientos. Previendose como estrechamente se previene á los referidos ciudadanos Ygnacio Elias y Da. Eulalia Elias, y á sus herederos y subcesores, que habrán de sujetarse, y limitarse al terreno, pertenencias, terminos y linderos señalados individualmente en las preinsertas diligencias de medidas: observando y dando su exacto cumplimiento. al arto. 30., de la ley numero 30., de 20., de Mayo de 1825, que les impone la obligacion de mantener en sus terminos linderos, mojoneras de cal y canto, bajo la multa de veinte y cinco pesos que se les ecsijirá si contravinieren, para los

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

106 fondos del comun, construyendose por el respectivo Juez de las espresadas mojoneras de cuenta de los interesados. Y ordeno y mando, á Juezes, Justicias y autoridades locales que al presente son y en adelante, fueren, del partido de esta capital, que en obsequio de la buena y pronta administracion de Justicia y en cumplimiento de las leyes de la materia, no permitan que los referidos interesados ni sus sucesores, sean de ninguna manera perturbados inquietados, ni molestados, en el libre uso, ejercicio propiedad, dominio y posecion de los mencionados ocho sitios de tierras que comprende el puesto nombrado San Ygnacio del Babocomari, antes si zelaran y cuidaran constantemente y con la mayor vigilancia y actividad que sean amparados y mantenidos siempre en la quieta y pacifica posecion que les corresponde, con legitimo derecho, para que de este

Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1831 y 32.

modo puedan libremente, vender, cambiar, permutar donar, traspasar, ceder y enagenar dichos ocho sitios á su arbitrio y libre elecion como dueños propietarios absolutos." En cuyos terminos espedi el presente titulo de merced en forma, á favor del Ciudadano Ygnacio Elias y Doña Eulalia Elias y secessores, entregandoseles

107 para su resguardo con previa toma de razon en el correspondiente libro. Dado en la Capital de Arispe á los veinte y cinco dias del mes de Diciembre de mil ochocientos treinta y

dos años: autorizado y firmado por mi, y sellado con el sello de esta Tesoreria general por ante los infrascritos testigos de mi asistencia, á falta de Escribano que no lohay. Segun derecho. Enmendado para e E. de cincuenta el us Entrerenglones del vale.

[SEAL]

Asisa :

LUIS CARRANCO.

JOSÉ MARIA MENDOZA.

Assa :

BARTOLO MIRANDA.

Queda tomada razon delopresente titulo al folio 11, del correspondiente libro que ecxiste en esta Tesoreria general.

108 Sello cuarto.
Una cuartilla.

[SEAL.]

Para los años
de 1833 y 34.

N. 762.—Mediante q. los interesados en quienes fueron rematados en 18 de Abril y 24 de Diciembre de 1828, los terrenos de San Rafael del Valle, San Juan de las Boquillas y Nogales y San Ygnacio del Babocomari, sitos en jurisdiccion del presidio de Santa Cruz, ciudadanos Rafael Elias por el primero de dhos. terrenos, Capitan Ygnacio Elias Gouzales y Nepomuceno Felis por el Segundo, Ygnacio y Eulalia Elias por el tercero; han acreditado su inculpabilidad en q. no se les espidiesen los respectivos titulos de merced por la Tesoreria gral. del Estado q. fué unido, de cuya oficina los solicitaron desde antes del 10. de Julio de 1830, procederá V. S. á espedirles dichos titulos de gratis de conformatidad con lo dispuesto por el decreto numero 27 de 11 de Agosto de 1831.

Dios y Libertad.

Arispe 29 de Abril de 1833.

YGNACIO DE BUSTAMANTE.

LUCAS RODRIGUEZ, *official 1°.*

Sr. Tesorero gral. del Estado.

Es copia.

Arispe 8 de Mayo de 1833.

JOSÉ MARIA MENDOSA.

(Endorsed :) No. 4. Exhibit A. Original title rancho of San Ignacio del Babocomari. Filed September 2d, 1879. John Was-
son, U. S. sur. general. 3. Journal, pages 141-153. Re-
109 ceived for record in my office, at Tucson, A. T., by the hands
of Col. F. Ronstadt, for the parties interested, on the 17th day
of November, A. D. 1865, at 8 o'clock a. m., and recorded on pages
33 to 42, inclusive, of Record Book of Titles to Land from the Mex.
Gov't. George P. Hart, recorder.

(Endorsed :) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long,
deputy.

[Endorsed :] Case No. 31. F. No. 3. (Exhib. A.) Titulo. Filed
Jan. 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

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EXHIBIT B.

Translation of Original Title Papers.

Title of grant of eight square leagues of land for the raising of stock, including the place named San Ignacio del Babacomori, in the jurisdiction of the presidio of Santa Cruz, issued by the treasury general of Sonora in favor of the citizen- Ignacio Elias and Dona Eulalia Elias, the first a resident of Rayon and the second of Arizpe.

Second seal [L. S.] for the years 1831 and 1832, twelve reales.

Jose Maria Mendoza, treasurer general of the State of Sonora (free, sovereign, and independent):

Whereas, article 1th of the sovereign decree number 70 of the General Congress of the Union dated 4th day of August, 1824, concedes to the States, the revenues, which in said law are not reserved by the Federal Government, and one of these being the lands of the respective districts, to which they belong; for the concession of which lands, the honorable constituent congress of the State of Sonora and Sinaloa united passed the law of the 20th of May, 1825, No. 30, and the successive legislatures passed other laws and decrees in relation to the matter. And the citizen- Ignacio and Eulalia Elias having made formal denouncement before this treasurer's office of the late united State- of the lands named San Ignacio del Babacomori, situated in the jurisdiction of the presidio of Santa Cruz; the said petitioners being the first, a citizen of the village of Rayon and the second of this capital;

The said denouncement was admitted according to the law
111 on the 1st of July 1827; and the writing of denouncement and the other proceedings in relation thereto are as follows:

To the treasurer general :

We, Ignacio Elias and Eulalia Elias, present ourselves before your honor, respectfully representing; that needing a tract of land for our stock, we, denounee, in company with Don Rafael Elias, Captain Ignacio Elias and Don Nepomuceno Feliz, the vacant tract of land adjoining the rancho of San Pedro, situated in the jurisdiction of the presidio of Santa Cruz, as far as the place of Tres Alamos, obligating ourselves to pay to the nation the corresponding tax, with all other matters that justice may require, until the title and confirmation thereof shall be obtained; wherefore, your honor will be pleased to consider the vacant tract referred to, petitioned for; wherefore, we pray your honor, to be pleased to order as we have prayed for, in which we will receive favor.

Arizpe, March 12th, 1827.

In the absence of, and at the request of—

DON IGNACIO ELIAS,
JOAQUIN ELIAS,
EULALIA ELIAS.

COSALA, July 1st, 1827.

The alcalde of Santa Cruz will proceed in the matter under the authority which is conferred on him without prejudice to a third party who may have a better right first citing the colindantes to the measurement, valuation and publication for thirty days consecutively, of the lands referred to in the denunciation, subject to the sovereign decree of the hon. constituent congress of the State, number 30 of the 20th of May, 1825, and to the regulations accompanying the same. And when these proceedings shall have been taken, let the same be transmitted to this treasurer's office 112 notifying the bidders, to appear personally or by their agents at the sale to be made at said office after the required three customary publications.

The treasurer general of the State, Nicolas Maria Gajiola, thus decreed and signed.

GAJIOLA.

AT THE PRESIDIO OF SANTA CRUZ.

On the 5th day of the month of October 1828, in view of the foregoing decree of the senior treasurer general, let what is ordered by the said decree of 1st July 1827 be complied with; wherefore, for this purpose, with the citation of the interested party, the colendantes, the surveyor and the necessary officers, which are to be named, I shall proceed to the hacienda of San Pedro, for the purpose of measuring the lands petitioned for by the petitioners. The citizen Alejandro Franco, constitutional alcalde of the presidio of Santa Cruz, by this act thus determined and signed with the assisting witnesses with whom he acts by special authority, in the absence of a notary public according to the law.

For ALEJANDRO FRANCO,
RAMON ROMERO.

Assistant:

RAMON ROMERO.

Assistant:

FRANCO GAUNA.

Wherefore the alcalde surveyor, after summoning the colendantes, proceeded to the appointment of tallymen, measurers and recorders, who were the citizens Lorenzo Sortellon, Andrez Mentoya, Pablo Elias, Antonio Campoa and Mauricia Neiro, who accepted the appointments and made oath that they would discharge their several duties faithfully and legally and the alcalde made the survey which appears in the following proceedings:

At said place, the said day, month and year in order to 113 proceed to the survey the parties in interest assistants appointed and attending witnesses being present, I ordered a cord of 50 varas measured and its extremities tied to two poles. The surveyor citizen Jose Maria Caballero proceeded to said survey and setting up the compass took a course east, northwest quarter east, to the west southwest quarter west, where I had a cross-monu-

ment placed, and from said point, through said point, there were measured and counted one hundred cords which terminated in a small valley near some bald hills (lomas pelonas) where I caused a monument to be placed, and as it was now late, I ordered the cord gathered up and that the assistants and others withdraw to rest until the following day, when the measurement would be continued, which I enter in these minutes and sign together with my assistants and others in interest who accompanied me, to which I certify.

For ALEXANDRO FRANCO,
RAMON ROMERO,
IGNACIO ELIAS,
JUAN NEPOMUCENO FELIZ,
IGNACIO ELIA GONZALES,
JOSE DE CABALLERO,
LORENZO SORTILLON,

For ANTONIO CAMPOA, AND
MAURICIO NEIRO,
FRANCISCO GAUNA,

For ANDRES MONTOYA,

And for myself, PABLO ELIAS.

Witness:

RAMON ROMERO.

Witness:

FRANCISCO GAUNA.

114 In the place where I ordered the second monument put, called the valley of San Ignacio de Babbocomori and accompanied by the party in interest, the surveyor, the assistants appointed, for the purpose of continuing the survey in the same direction and on the 21st day of said month and year, I caused the cord of 50 usual varas to be examined and when examined, its extremities were tied to the two poles and the cord having been stretched, there were measured and counted in the same direction 243 cords which terminated on a hillock (loma) which looks south-southwest where the survey was suspended on account of the roughness of the ground and the many deep valleys which occur in the direction of this survey, for which reason it was necessary for me and the surveyor to estimate 57 cords more to complete the side of the three sitios for cattle. This estimated distance terminating at the hot spring in front of the Santa Rita Mts. at the foot of a bald hill (loma pelona) where I ordered a corner monument placed which looks toward the slope of said mountain and hot spring and from said point on account of the roughness of the ground and the deep valleys, in order to measure the side of these sitios and to square the measurement already stated in said direction, the surveyor and myself estimated toward the northwest quarter north-northwest to the southeast quarter south-southwest 60 cords to the foot of a small cottonwood tree in a small valley at the foot of said Santa Rita mountains and to complete the side of the square in the opposite direction south-southwest quarter southeast to the north-northwest quarter

115 northwest the remaining 40 cords were estimated and ended on a hillock (loma) that has several oak trees, where I ordered the corresponding monuments placed which with these three sitios for cattle and the one surveyed the day before, 4 sitios were completed and being now past midday, I ordered that we return to the centre monument and when we had arrived at said monument in front of the ciénega of San Ignacio Babocomori and had again examined the cord of 50 varas and tied its extremities to the said two poles and stretched the cord in the direction west-southeast to the east-northwest, there were measured and counted 74 cords which terminated upon some hillocks (lomas) near the punta de la agua where as it was now night, the survey of this day was terminated all of us withdrawing to rest, which I enter in these minutes and sign together with the party in interest, the surveyor, appointed assistants and attendant witnesses, to which I certify.

For ALEXANDRO FRANCO,
RAMON ROMERO,
IGNACIO ELIAS,
JUAN NEPOMUCENO FELIZ,
IGNACIO ELIAS GONZALES,
JOSE DE CABALLERO,
LORENZO SORTILLON,
For ANTONIO CAMPOA, AND
MAURICIO NEIRO,
FRANCISCO GAUNA,
For ANDRES MONTOYA,
And for myself, PABLO ELIAS.

Witness:

RAMON ROMERO.

Witness:

FRANCISCO GAUNA.

116 At said place on the 22nd day of said month and year I, the judge commissioner, the party in interest, the surveyor and appointed assistants, having caused the cord of 50 varas and the course of the preceding day to be examined, having stretched the cord along this same course, there were measured and counted 26 cords to complete the 100 cords for the side of one sitio for cattle and in the same direction the cord passing over several hillocks (lomas) and valleys (cañadas) there were measured and counted 300 cords, the last ones passing along the valley near the tanks of the spring of water and ending above said tanks on a rocky hill where I ordered a corner monument placed which completed the side of the other 4 sitios, where the surveyor having set up his compass, placed the cord and the square and forming from the preceding course, a right angle or angle of 90 degrees, having examined the cord and stretched it in the direction south-southwest quarter southeast to the north-northwest quarter northwest, there were measured and counted 40 cords corresponding to those of the former side of the other 4 sitios, these latter terminating upon some bald hills (lomas) where I ordered a corner monument placed and returning to the centre of the

measurement of this side in the opposite direction north-northwest quarter northwest to the south-southwest quarter southeast, there were measured and counted 60 cords to complete the 100 cords terminating on the summit of a very high hill, with which the survey was terminated, completing the total 8 sitios for cattle, registered by the citizen Ignacio Elias and his sister Dona Eulalia,
 117 which he received being satisfied with said survey ; he being informed that in due time he should mark its boundaries by monuments of stone and mortar as is provided ; in witness whereof he signed with me and all those who knew how to write together with the assisting witnesses, with whom I act by special authority in the absence of a notary public according to law.

For ALEXANDRO FRANCO,

RAMON ROMERO,

JUAN NEPOMUCENO FELIZ,

IGNACIO ELIAS,

IGNACIO ELIAS GONZALEZ,

JOSE DE CABALLERO,

LORENZO SORTILLON,

For ANTONIO CAMPOA, AND

MAURICIO NEIRO,

FRANCISCO GAUNA,

For ANDRES MONTOYA,

And for myself, PABLO ELIAS.

Witness :

RAMON ROMERO.

Witness :

FRANCISCO GAUNA.

Whereupon the alcalde proceeded to the corresponding valuation of the land appointing intelligent experts for that purpose who were the citizens Pablo Elias and Ramon Romero, who made the valuation to the best of their practical knowledge, after taking the necessary oath and in accordance with the regulations in relation thereto, they valued the tract in the sum of \$380, for the reason that six sitios of the tract contained running water, at the rate of
 118 \$60 per sitio and two sitios thereof being arid, they valued at \$10 per sitio ; upon this valuation the alcalde offered the tract for sale publishing the same for thirty consecutive days, inviting purchasers to wit : from the 30th of Oct. 1828 until the 28th day of November of the same year ; and no purchasers appearing the expediente was concluded and by letter of the 30th of November, the same was sent to the treasurer's office for the necessary proceedings thereon until the date of the sale.

By the decree of the 19th of December the same was referred to the attorney general that he should have knowledge of the same and whose request is as follows :

To the treasurer general :

This expediente contains the survey of 8 sitios of land for breeding horned cattle and horses, executed by the alcalde of Santa Cruz

in the places of San Ignacio del Babocomori; I find nothing in the proceedings to prevent adjudication of the land to the petitioners, unless it be that the quantity exceeds that mentioned in article 21 of the decree of the 20th of May, 1825; but if your honor is satisfied as to the requirements recited in the 22nd I am of the opinion that the land be sold to the denouncers if there should be no one willing to pay a higher price therefor *the same*.

Alamos, December 20th, 1828.

FELIPE GIL.

And the treasurer general having been satisfied with the foregoing request of the attorney general, by proceedings of the 22nd, the three public almonedas of the 22, 23, and 24, were made inviting purchasers and none having come forward, the 8 sitios of land for breeding of horned cattle and horses at the place of San Ignacio del Babocomori were sold to the citizen Ignacio Elias and Dona Eulalia Elias as appears by the *three* almoneda which is as follows:

3rd almoneda, in the said city of Concepcion on the 24th day of the said month and year at a meeting of the president and members of the said junta de almonedas, the third almoneda and sale of the said lands was ordered which was made in the same way as the two foregoing with the sole difference that it was stated in addition by the auctioneer that this time the sale had to be made; and the noonday prayer of this date having been offered without any purchasers appearing the auctioneer finally proclaimed in a loud voice, "Once, twice, three times; let it be sold, let it be sold, let it be sold; sold to Don Ignacio and Dona Eulalia Elias." In which terms said act was concluded and said 8 sitios of land for breeding horned cattle and horses were publically and solemnly sold to the said interested parties at the place of San Ignacio del Babocomori in the presidio of Santa Cruz, for the sum of \$380 at which the tract was valued.

And in due witness whereof these proceedings were made and were signed by the senores, president and members of the junta with the citizen Capt. Ignacio Elias as agent for the interested parties.

GAJIOLA.

ALMADA.

GIL.

IGNACIO ELIAS GONZALEZ.

Whereupon the agent, Capt. Ignacio Elias Gonzalez, proceeded to deposit in the treasury office the \$380 at which the said tract of land in the place of Babocomori was valued and sold, as is shown by the following certificate, copied literally:

120 I, Nicholas Maria Gajiola, treasurer general of the revenues of the State of the West, certify: that in folio 3 (reverse) of the pamphlet of this treasury for the current year, there is found the following entry under this date:

"Charged to grants of land, \$380, which was paid by Capt. Ignacio Elias Gonzales, in the name of Don Ignacio and Dona Eulalia Elias, residents of Arizpe, for a grant of 8 sitios of land for breeding horned cattle and horses, at the place named San Ignacio Babocomori in the jurisdiction of the presidio of Santa Cruz, valued at the sum stated, for which it was sold to them without any opposition whatever in the junta de almonedas celebrated in this treasury on the 24th of December last passed. \$380.00.

GAJIOLA.

IGNACIO ELIAS GONZALEZ.

In witness whereof, I give this at Alamos on the 8th of January, 1829.

NICOLAS MARIA GAJIOLA.

The foregoing original certificate having been attached to the expediente in the matter, the same was concluded with all requisites and formalities which the laws therein prescribed remaining in the treasurer general for perpetual evidence.

Wherefore in the exercise of the authority conceded to me by law, by these presents and in the name of the sovereign State of Sonora, I grant in due form of law, 8 sitios of land for the breeding of horned cattle and horses, embraced in the place named San Ignacio del Babocomori, situate in the jurisdiction of the presidio

of Santa Cruz, in favor of the citizen Ignacio Elias and 121 Dona Eulalia Elias, to whom I grant, give and adjudicate

said land by way of sale and with the conditions, security, permanency established by law, for themselves, their children, heirs and successors, with all their entrances, exits, uses customs, servitudes, woods, pastures, waters, watering places and all other things thereto pertaining; under the positive qualification and precise condition that they have to keep the said sitios occupied, settled and protected, the same not to be abandoned or deserted nor left unprotected for any time whatever and if the same should be abandoned totally for the space of three consecutive years, and there should be some one else who should denounce the same, in such event, with a previous declaration to that effect, the same shall be pronounced vacant, and shall be adjudicated anew to the highest bidder: excepting as is just those cases in which the abandonment is due to the notorious invasion of enemies and only for the period of such occurrences. Requiring as I strictly require that the said citizens Ignacio Elias and Dona Eulalia Elias and their heirs and successors, that they are to subject and limit themselves to the land, its appurtenances, metes and bounds set out specifically in the proceedings of the measurements hereinbefore set out; observing and giving exact fulfillment to article 30 of law #20 of the 20th of May, 1825, which imposes the obligation upon them, of maintaining at their metes and boundaries, monuments of stone and mortar under a fine of \$25, which shall be exacted from them if they should fail, to be paid into the municipal fund, said monuments to be erected by the said judge at the expense of the interested parties. And I

order and command the judges, justices, and local authority,
 122 who *who* are at present in office, or who may hereafter be in
 office in the district of this capital that for the sake of the good
 and prompt administration of justice and in compliance with the
 laws in the matter, they shall not permit the interested parties nor
 their successors being in any way disturbed, annoyed or molested
 in the free use, exercise, ownership dominion and possession of the
 said 8 sitios of land embraced in the said place called San Ignacio
 del Babocomari, but that on the contrary they shall watch and con-
 stantly take care with the greatest diligence that they be protected
 and maintained always in the quiet and peaceful possession to
 which they are entitled to by legitimate right under which they
 may freely sell, exchange, barter, donate, transfer, cede and alienate
 the said 8 sitios at their free will and election as absolute owners
 thereof. In which terms, I issue the present formal title in favor
 of the citizen Ignacio Elias and Dona Eulalia Elias and their suc-
 cessors, it being delivered to them for their security, having first
 made the *toma de razon* thereof in the corresponding book.

Given in the capital of Arizpe on the 25th day of December,
 1832; authorized and signed by me and sealed with the seal of this
 treasury general's before the undersigned assisting witnesses in the
 absence of a notary public; there being none according to law.

JOSE MARIA MENDOZA.

[L. s.] Asst.: Asst.: [RUBRIC.]
 LUIS CARRANEO. BARTOLO MIRANDA.

Toma de razon is taken of this title at folio 11 of the correspond-
 ing book in the office of the treasurer general.

[RUBRIC.]

123 Corrections-for-c-C-of-of fifty-the-their-interlinedated-of the.
 They are valid.

Fourth seal, 64 cents [L. s.] for the years 1833 and 1834.

No. 762. Inasmuch as the parties in interest to whom were sold
 on the 18th of April and the 24th of December, 1828, the lands of
 San Rafael del Valle, San Juan de las Boquillas Y Nogales and San
 Ignacio del Babocomari, situated in the jurisdiction of the presidio
 of Santa Cruz; the first of said lands to citizen Rafael Elias, the
 second to Capt. Ignacio Elias Gonzalez and Nepomuceno Feliz and
 the third to Ignacio and Eulalia Elias have shown that it was not
 their fault that the several grant titles were not issued to them by
 the treasury general of the late United States in which office they
 solicited them since before the 10th of July, 1830, your excellency
 will proceed to issue to them the said titles gratis, in conformity with
 the provisions of decree No. 27 of the 11th of August, 1831.

God and liberty.

Arizpe, April 29, 1833.

IGNACIO DEL BUSTAMENTE.

LUCAS RODRIGUEZ,

Chief Clerk.

To the treasurer general of the State.

It is a copy.

Arispe, May 8, 1833.

JOSE MARIA MENDOZA. [RUBRIC.]

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Certificate.

I hereby certify that the foregoing translation of the title papers of the San Ignacio del Babocomori grant is true and correct and is my official translation.

EUSEBIO CHACON,
Interpreter & Translator, Court of Private L'd Cl'ms.

(Endorsement:) Filed in the office of the clerk, court of private land claims, March 29, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

(Here follow photographs marked Pl'ffs' Exhibits 1 to 11, incl.)

127

Form No. 2.

The Western Union Telegraph Company, incorporated; 21,000 offices in America; cable service to all the world. Thos. T. Eckert, president and general manager.

Receiver's No.	Time filed.	Check.

Send the following message subject to the terms on back hereof, which are hereby agreed to:

TUCSON, Marzo 27, or 1894.

To Sr. Victor Aguilar, Tesorero Gral. de Estado, Hermosillo, Sonora:

Le suplis se sirva decirme por esta via contestacion pagada a la mayor brevedad si expediente San Ygnacio del Babocomori esta formado en papel debidemente habilitado.

No. 1.

(Signed)

GEO. HILL HOWARD.

Translation Telegram No. 1.

TUCSON, ARIZONA, March 27th, 1894.

Sr. Victor Aguilar, treasurer general of the State, Hermosillo, Sonora:

I beg you please let me know by this means, reply, paid for, as soon as possible, whether expedi-te San Ygnacion del Babocomori is extended upon paper duly habilitated.

GEO. HILL HOWARD.

Endorsement: Case No. 31, F. 27. Telegrams from Tr. Ge'l. Filed in the office of the clerk of the court of private land claims Mar. 28, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

128

Form No. 168.

The Western Union Telegraph Company ; 21,000 offices in America ;
cable service to all the world.

This company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of unrepeated messages beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.

This is an unrepeated message, and is delivered by request of the sender under the conditions named above.

NORVIN GREEN, *President.*

THOS. T. ECKERT,
General Manager.

Received at —. M—J. 11. Collect 25 & 42. 10.35, 189—.

Dated HERMOSILLO, MEX., —— 28.

To Geo. Hill Howard :

Expediente San Ygnacio del Babacomari esta formado en papel debidamente habilitado.

(2.)

V. AGUILAR.

Translation Telegram No. 2.

M—J. 11. Collect 25 & 42.

HERMOSILLO, MEX., —— 28.

Geo. Hill Howard :

Expediente San Ygnacio del Babacomari is extended upon paper duly habilitated.

V. AGUILAR.

Endorsed : Case No. 3½, F. 26. Tel. from Jr. G'l. Filed in the office of the clerk, court of private land claims, Mar. 28, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

129

EXHIBIT (LAND COURT) "BABACOMARI."

EXHIBIT C.

Before the U. S. sur. general for Arizona.

In the Matter of the RANCHO OF SAN IGNACIO DEL BABACOMARI—E. B. PERRIN *et al.*, Claimants.

FRANCISCO S. LEON, a witness called by the U. S. sur. general, being duly sworn, testified as follows:

Questions by surveyor general :

Question 1. What is your name, age, occupation, and place of residence ?

Ans. My name is Francisco S. Leon ; 60 years of age ; occupation, ranchero, and I reside in Tucson.

Ques. 2. How long have you resided in Tucson ?

Ans. I was born there and have lived there all my life.

Ques. 3. Are you personally acquainted with the rancho of San Ignacio del Babocomari, granted by the Mexican government to Don Ignacio and Dona Eulalia Elias ?

Ans. I am.

Ques. 4. How long have you known said rancho ?

Ans. For more than thirty years ; I have travelled over it a great many times.

Ques. 5. Do you know its boundaries ?

Ans. I do not ; but I know that it is situated on the Babocomari creek.

Ques. 6. What do you know about the possession of said rancho ?

130 Ans. I know that Don Ignacio Elias had possession of said rancho in early times and that he had much stock thereon.

Ques. 7. Do you know when the possession of said rancho was abandoned by Don Ignacio Elias, the grantee ?

Ans. I cannot remember the date, but it was many years ago ; it was before the time of the war with the United States.

Ques. 8. What was the cause of said abandonment ?

Ans. It was abandoned on account of the Apache Indians, who burnt the ranch-house, killing the people and driving off the stock.

Ques. 9. Do you think that Elias could have with safety to himself and stock occupied the rancho at any time previous to that at which the Indians were suppressed by the American troops.

Ans. It would have been impossible, and I know that within a few years depredations have been committed by the Indians near this rancho.

F. S. LEON.

Subscribed and sworn to before me this 29th day of October, 1879, as witness my hand and seal of office.

JOHN WASSON,
U. S. Surveyor General.

(Endorsed :) Rancho of S. Igo. del Babocomari. Deposition of F. S. Leon. Filed Oct. 29th, 1879. John Wasson, U. S. sur. gen'l. 6 Journal, vol. 1, pgs. 167, 168.

(Endorsed :) Filed March 27, 1894. James H. Reeder, clerk, by R. L. Long, dep.

[Endorsed :] Exh. C. Filed in the office of the clerk, court of private land claims, Mar. 27, 1894. Jas. H. Reeder, clerk, by ——, deputy. ~

131

EXHIBIT (LAND COURT) "BABACOMARI"

EXHIB. D.

Before the U. S. Surveyor General for Arizona.

In the Matter of the RANCHO OF SAN IGNACIO DEL BABOCOMARI—
E. B. PERRIN *et al.*, Claimants.

SANTIAGO ESPINOSA, a witness produced on behalf of the claimants, being duly sworn by the surveyor general, deposes as follows:

Questions by surveyor general :

Question 1. What is your name, age, occupation, and place of residence?

Ans. My name is Santiago Espinosa; 77 years of age; I am a wagoner, and reside in Tucson.

Ques. 2. Are you personally acquainted with the rancho at San Ignacio del Babocomari?

Ans. I am acquainted with said rancho by having often been upon the same driving cattle, and have often passed over it and well know the locality.

Ques. 3. How long have you known said rancho?

Ans. For more than 35 years.

Ques. 4. Do you know its boundaries?

Ans. I do not. I only know that it is situated on the Babocomari creek.

Ques. 5. Do you know anything about the possession of said rancho by the grantee?

Ans. I know that Don Rafael Elias held possession of said rancho for many years, and that he continued in possession thereof until he was driven therefrom by the Apache Indians. I cannot say what year this occurred, but it was before the war with the United States.

I know that the Indians continued bad until within a few years.

his
SANTIAGO x ESPINOSA.
mark.

Sworn to and subscribed before me this 17th of Oct., 1879.

JOHN WASSON,
U. S. Sur. Gen'l.

[SEAL.]

(Endorsed :) Rancho of Babocomari. Deposition of Santiago Espinosa. Filed Oct. 17th, 1879. John Wasson, U. S. sur. gen'l. 4. Journal, vol. 1, pgs. 165, 166.

(Endorsed :) Filed in the office of the clerk court of private land claims March 27, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, March 24, 1894,

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

[Endorsed :] Exh. D. Filed in the office of the clerk court of private land claims Mar. 27, 1894. Jas. H. Reeder, clerk, by —, deputy.

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OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

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PLAINTIFF'S EX. F.

Oficio publico del Ciudadano licenciado Cipriano Pina.

Testimonio de escritura de testamento nuncupativo, del finado Señor Cura Don Juan Elias Gonzales, y compulsado por concuerda la presente copia por visto ó exhibicion de la escritura original que presentaron los interesados, y á los que se les devolvió en diez y siete fojas útiles.

135 Un sello que dice, Administracion Principal de papel sellado de Sonora—Número ciento veinte y siete
 (Stamp.) Segunda clase—Sello primero—Para actuaciones—Habilitado para el bienio de mil ochocientos sesenta y nueve—Vale ocho pesos—Administracion principal del papel sellado en Sonora. Hermosillo, Octubre ocho de mil ochocientos sesenta y siete—Pedro G. Tato—José E. Moreno—

Cotejado y corregido Dos rúbricas—Reemplazo—Ciudo. Juez de primera, instancia,—Ygnacio Santos Elias y José María Elias Morales nombrados primero y tercero albaceas (según estamos informados) por nuestro finado tío el Señor Cura Vicario foraneo de esta ciudad

Pina.

Escrito pidiendo la apertura de los testamento.

Don Juan Elias Gonzales para cumplir su

última voluntad, ante V. como mejor proceda en derecho decimos: que habiendo fallecido dicho Señor nuestro tio la noche del jueves veinte, y cinco del proximo pasado Marzo, bajo las dos disposiciones testamentarias que debidamente acompañamos en pliego cerrado.—A.V. suplicamos que habiéndolas por presentadas se sirva abrirlos y publicarlos con las solemnidades legales, y elevadas que sean á instrumento público, darnos el correspondiente testimonio para cumplir con nuestra mision, como los mas que pidan los interesados; puesasí es de hacerse en justicia que pedimos protestando no proceder de malicia con lo demas necesario, y reponer el 136 papel sellado correspondiente que no se haya en el espendio de esta ciudad.

Arispe Abril tres de mil ochocientos sesenta y nueve.

YGNACIO SANTOS ELIAS.
JOSE MARIA ELIAS MORALES.

Juzgado de primera instancia del Distrito—Arispe Abril tres de mil ochocientos sesenta y nueve.

Auto del juez previendo la practica de las diligencias de apertura.

sean en este Juzgado y evacuado en la parte que baste se traiga todo para proveer. El Juez de primera Ynstance del Distrito, así lo proveyó mandó y firmó por ante los testigos de asistencia, en este papel comun por no haber en la oficina respectiva del sello correspondiente, el que para su validacion repondrán los interesados.

CARLOS PRECIADO.

Asistencias:

BRIGIDO REYES.
FRANCISCO YRIGOYEN.

En la misma fecha, fué presente el ciudadano José Maria Elias Morales, quien bajo la protesta de ley, de conducirse con verdad en lo que supiese y fuese interrogado, ofreció hacerlo así, y siendo por el testamento y codicilo presentados, dijo era cierto, que el Señor Cura

Declaracion del testigo Jose Maria Elias Morales.

Vicario Don Juan Elias Gonzales, había manifestado al parecer, en su juicio natural, y presencia del Señor 137 presente Juez, y demas testigos, que: en aquellos dos pliegos cerrados, se contenia su última voluntad testamentaria, reconociendo tambien su firma, y la del testador, quien falleció la noche del jueves veinte y cinco del proximo pasado, constandole de vista verlo muerto; expresando llamarse como está dicho, de treinta y tres años de edad, casado, labrador, y vecino de esta propia ciudad,

(Stamp.) 137
(Notarial Seal.)

en lo que se afirma y ratifica, firmando con migo y los de mi asistencia.

PRECIADO.

JOSÉ MARIA ELIAS MORALES.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Acto continuo presente el ciudadano Antonio Barreda, quien bajo la protesta de ley, sobre, conducirse con verdad en lo que supiese y fuese interrogado, ofreció hacerlo así, y siendolo por el pedimento citado, y habiéndole manifestado el testamento y codicilo presentados, dijo; era cierto, que el Señor Cura Vicario Don Juan Elias Gonzales, había manifestado al parecer

Declaracion del testigo en su juicio natural, y en presencia del Antonio Barreda. Señor presente Juez, y demás testigos, que

en aquellos dos pliegos serrados se contenia su ultima voluntad testamentaria, reconociendo tambien su firma y la del testador, quien falleció la noche del jueves veinte y cinco del proximo pasado, constandole haberlo visto muerto: expresando llamarse como está dicho, de treinta y cuatro años 138 de edad, viudo su empleo administrador de rentas y vecino de esta ciudad, en la que se se afirma y y ratifica firmando con migo, y los de mi asistencia.

PRECIADO.

ANTONIO BARREDA.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

En la propia fecha presente el Ciudadano Eduardo Bustamante, quien bajo la protesta de ley sobre conducirse con verdad en lo que supiese y fuese interrogado, ofreció hacerlo así, y siendolo por el pedimento, citado, y habiéndole manifestado el testamento y codicilo, presentados dijo; era cierto, que el Señor Cura Vicario Don Juan Elias Gonzales, había manifestado al parecer, en su juicio natural

y en presencia del Señor Juez presente,

Declaracion del testigo y demás testigos que; en aquellos dos Eduardo Bustamante. pliegos cerrados, se contenia su ultima voluntad testamentaria, reconociendo tam-

bien su firma, y la del testador, quien falleció la noche del jueves veinte y cinco del proximo pasado, constandole haberlo visto muerto: expresando llamarse como queda dicho, de treinta años de edad, casado, de ejercicio labrador, y vecino de esta repetida ciudad, en lo que se afirma y ratifica, firmando con migo y los de mi asistencia.

PRECIADO.

EDUARDO BUSTAMANTE.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

En Seguida presente el ciudadano Santiago Villaescusa, quien bajo la protesta de ley, sobre conducirse con verdad en lo que supiese y fuese interrogado, ofrecio hacerlo asi, y siendolo 139 por el pedimento citado; y habiendole manifestado el testamento y codicilo presentados, dijo era cierto que el Señor

Cura Vicario Don Juan Elias Gonzales,

Declaracion del testigo Santiago Villaescusa.

(Stamp.)

(Notarial Seal.)

habia manifestado al parecer, en su juicio

natural y en presencia del Señor presente

Juez, y demas testigos, que: en aquellos

dos pliegos cerrados, se contenia su ultima

voluntad testamentaria, reconociendo tam-

bien su firma y la del testador, quien fallecio la noche del jueves veinte y cinco del proximo pasado, constandole de vista haberlo visto muerto: expresando llamarse como queda dicho, de cuarenta y nueve años de edad, casado, de ejercicio labrador, y vecino de esta ciudad, en lo que se afirma y ratifica firmando con migo y los de mi asistencia.

PRECIADO.

SANTIAGO VILLAESCUSA.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Presente el ciudadano Santiago Garcia, quien bajo la protesta de ley, sobre conducirse con verdad en lo que supiese y fuese interrogado, ofrecio hacerlo asi, y siendolo por el pedimento citado, y habiendo manifestado el testamento y codicilo presentados, dijo: era cierto que el Señor Cura Vicario Don Juan Elias Gonzales, habia

manifestado al parecer, en su juicio nat-

Declaracion del tes-tigo Santiago Garcia.

ural, y en presencia del Señor presente Juez,

y demas testigos, que en aquellos dos plie-

gos cerrados, se contenia su ultima vol-

untad testamentaria, reconociendo tambien su firma y la del 140 testador, quien fallecio la noche del jueves veinte y cinco del proximo pasado, constandole haberlo visto muerto; es-

presando llamarse como queda dicho de cincuenta años de edad, sol-

tero, labrador, y vecino de esta misma ciudad, en lo que se afirma y

ratifica, firmando con migo y los de mi asistencia.

PRECIADO.

SANTIAGO GARCIA.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

En la propia fecha presente el ciudadano Rafael Barreda, quien bajo la protesta de ley, sobre conducirse con verdad en lo que supiese y fuese interrogado, ofrecio hacerlo asi, y siendolo por el pedimento citado; y habiendo manifestado el testamento y codicilos presentados dijo: era cierto que el Señor Cura Vicario Don Juan

Declaracion del testigo Rafael Barreda.

(Stamp.)

(Notarial Seal.)

Elias Gonzales, habia manifestado al parecer, en su juicio natural y en presencia del Señor presente Juez, y demas testigos, que en aquellos dos pliegos cerrados, se contenia su ultima voluntad testamentaria, reconociendo tambien su firma y la del

testador, quien fallecio la noche del jueves veinte y cinco del proximo pasado, constandole haberlo visto muerto: expresando llamarse como queda dicho de veinte y nueve años de edad, casado, de empleo pagador general, de las companias presidiales, y vecino de esta ciudad, en lo que se afirma y ratifica, firmando con migio y los de mi asistencia.

PRECIADO.
RAFAEL BARREDA.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

ARISPE, Abril cinco de mil ochocientos sesenta y nueve.

141 En la fecha y estando concluidas las diligencias que anteceden, con excepcion de las de los Ciudadanos Mariano Morales, Miguel Vasquez, Julian Bustamante, Francisco Zarzategui y Placido Narbona, los cuales aparecen en la caratula testamentaria otorgada el primero de Julio de mil ochocientos cuarenta y uno, unos por ausentes y otros por muertos, y resultando tambien que el finado Señor Cura Don

Anto mandando hacer la apertura de las testamento. Juan Elias Gonzales, declaro por balida y subsistente su voluntad contenida en el expresado cuaderno cerrado, de que doy fe, por ante todas las personas que se

hallaban presentes, mediante estar los dos pliegos referidos sin la mas leve sospecha de rotura, el testamento y codicilo presentados; abranse por mi, publicandose en forma, y hecho se proveera á lo demas pretendido. Asi yo Carlos Preciado Juez de primera Ynstancia del Distrito lo decreté, mandé y firmé, con los testigos de asistencia.

CARLOS PRECIADO.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Ycontinenti, el Juez que suscribe en presencia de los testigos examinados, abri los citatos cuadernos testamentarios, constante el primero de seis fojas y el segundo de dos ambos del sello tercero, dandole en seguida la publicidad conveniente hasta su conclusion, que dice "Juan

142 Elias Gonzales" y su literal tenor es el siguiente quedoy feé.

PRECIADO.

Asistencias:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Sello tercero dos riales, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.—En el nombre de Dios todo poderoso y de la siempre virgen Maria

Primer testamento nuestra Señora amen. Yo el B. Juan otorgado en 30 de Junio Elias Gonzales, Cura propio y Vicario foraneo de la Parroquia de esta Ciudad y de 1841.

legitimo matrimonio de Don Francisco Elias Gonzales y de Doña Maria Dolores Romo de Vivar yá difuntos, digo: Que hallándome enfermo por decreto de la Providencia, pero en mi entero juicio, memoria y entendimiento natural, creyendo como firmemente creo el inefable misterio de la Beatisima Trinidad Padre, hijo y Espíritu Santo, tres personas distintas y un solo Dios verdadero, en el admirable sacramento de la Eucarestia la sagrada virginidad de

(Stamp.) la Emperatris de los cielos, y en todos los demás

(Notarial Seal.) misterios y sacramentos que tiene, ere y confieza la Santa Yglesia Católica, apostólica Romana, y

son contenidos en el credo y artículos, con los siete sacramentos instituidos por mi Redentor Jesucristo Salvador del mundo, á cuya comunión perteneces, é invocando como invoco en mi socorro á la madre de Dios, al Santo Ángel de mi guarda, Santos de nombre, y los de mi devoción con toda la corte celestial; hago, formo, y ordeno con

su asistencia mi disposición testamentaria en la forma siguiente

143 Primeramente, mando y encomiendo mi alma á Dios Nuestro Señor que la nada lo crió, y el cuerpo ó la tierra de que fué formado, el cual cuando sea hecho cadáver se amortajara con el abito de la vestidura que corresponde á mi estado, y se sepultara en la parroquia de mi cargo en el lugar prescrito para estos casos, observándose en el particular la mayor humildad posible, que estimo conducente en la salud de esta vida transitoria para la eterna que espero gozar por la sangre del cordero immaculado Jesucristo.— Segunda. Y tem mando, por ser mi voluntad la cantidad de cien pesos, que serán distribuidos por disposición de mis albaceas en sufragios al bein de mi alma, y para los otros gastos de funeral y entierro sin pompa alguna, y lo declaro para que conste.—Tercera. Y tem declaro: que en cumplimiento de la ley, y para satisfacer la piedad cristiana, pagarán mis albaceas de los intereses de mi propiedad por una vez, un peso á cada una de las mandas forzosas establecidas para los testadores.—Cuarta. Y tem mando que de los bienes que corresponden á mi dominio, sea separada la suma de quinientos pesos, los cuales mis albaceas con observancia de toda justicia y equidad, distribuyan entre los pobres de mi curato verdaderamente necesitados, contándose en estos las viudas

menesterosas de buena vida, y las doncellas y huérfanas 144 que lo demanden, según las circunstancias en que se hallen

á mayor honra y gloria de Dios; y lo declaro para que conste.—Quinta. Y tem declaro que en los cuadernos de cuentas particulares de mi casa, se hallan las de mis sirvientes de que ellos tienen constancia en sus vales respectivos, y en donde aparece lo que justamente me adeudan por suministros que les tengo hechos; pero es mi voluntad perdonales como les perdono á cada uno

franca y libremente la mitad de dechos creditos sean los que fuesen en atencion á que me han acompañado con su servicio, é igualmente por ser personas pobres para que se alivien á lo menos con dicho descargo y para bien de mi alma.—Sesta. Ytem

(Stamp.) declaro: por bienes mios que reconosco como
 (Notarial Seal.) castrenses en la Frontera la cuarta parte que

me corresponde de los terrenos de la Hacienda

de San Pedro y Cienega de Heredia: la mitad del rancho del Babocomari; y alguna parte de los terrenos del Agua prieta y Adenaibacachi (Tesocomachi) por haber contribuido en su registro y adquisicion de propiedad en compañia de mis hermanos Don Rafael y Don Yguacio Elias, en cuyos terrenos tengo igualmente derecho de propiedad á los semovientes que se hallen con mi marca y señal, y á la sesta parte de lo orejano; y lo declaro asi para la debida constancia.—Setima. Ytem declaro: que los terrenos y semovientes de que trata la

cláusula anterior, es mi voluntad espontanea, á mayor honra

145 y gloria de Dios, se apliquen para fondos del Colegio de

Santo Tomas de Sonora, en la Ciudad de Culiacan, para su mayor progreso y que dicho Colegio animado del celo de Jesucristo prouueba la promulgacion del evangelio en estas fronteras para la conquista de los infieles al rebaño del divino pastor; y lo hago aqui constar para su cumplimiento, advirtiendo que si el citado colegio ó otro de su mismo instituto se fundare dentro de este departamento de Sonora, á él deberá pertenecer el fondo referido.—Octava. Ytem declaro igualmente por bienes castrenses de mi propiedad los ranchos del "Carriso," y el "Tucaro" al oriente de esta ciudad, con los sitios que se contienen en los titulos respectivos que me dan su dominio, y los bienes semovientes de todas especies que en ellos existen, distinguidos con mi marca y señal, y tambien lo orejano que me corresponda.—Novena. Asiñismo declaro ser de mi propiedad una labor de pan llevar y su galera respectiva, que está en la otra banda del rio, en el poso de la nieve, rumbo al Oriente, bajo los linderos de sus cercas, y amas otras agregadas del Macuchi, y la que cultiva Felipe Verdugo, siendo advertencia que aunque tengo la posesion de otra que es la que beneficia Santos Cruz, no es de mi propiedad, pues solo sufre el gravámen que resa la escritura que está en mi poder, y lo declaro para que conste.—Decima.

146 Ytem declaro igualmente por de mi propiedad la casa que está frente á la que habito, con la que forma calle, y en donde está un tendajon, compuesta de cinco piezas, patio y corral pequeño.

(Stamp) La de la plaza contigua á la de mi hermano
 (Notarial Seal.) Don José Maria Elias con el numero de otras
 cinco piezas y el patio que le corresponde. Así

mismo la otra casa hubicada en la calle de la

Señora Morales y contigua ala de habitacion de la espresada con el total de diez piezas, patio y corral que igualmente tiene; y ademas tengo otras casas pequenas que conocen mis albaceas y lo hago constar para la debida constancia.—Decima primera. Ytem declaro: que la casa que actualmente es de mi habitacion, asi como la Huerta que ha sido reconocida por mia, plantada de varios

árboles frutales y aquella de algunas piezas de que se compone, pertenecen en propiedad á mis hermanos Da. Eulalia y Doña Petra Elias, de mutuo consentimiento de los hermanos barones, á quienes de mancomún correspondían en unión de aquellas y lo declaro para que conste.—Decima segunda. Ytem declaro: que no tengo deudas pasivas ninguna; pero que las activas que se me deben por varios sujetos, las dejo nominadas y señaladas en minuta y lista firmada de mi puño, y en pliego cerrado bajo el título de su contenido, al cual se arreglarán mis albaceas para recoger su importe.—Decima tercera. Ytem declaro: que á mi hermana Doña Eulalia, por el

carino que le tengo y los servicios que me ha hecho
 147 tantos años personalmente, es mi voluntad mejorarla en el tercio y quinto de mis bienes libres, con mas el total de los enceres y menaje de casa que se hallen de puertas adentro de aquella; y lo declaro para que conste.—Decima cuarta. Ytem declaro: que á mi sobrina Doña Maria Elias, que siempre ha vivido en casa con mi hermana referida en la cláusula anterior, le lego la cantidad de tres cientos pesos, que cuidarán mis albaceas perciba en dinero, ó en los artículos que á ella le agraden, y lo espresso aquí para que conste;—encargando igualmente á mis hermanas ya citadas, no desaparen á mi referida sobrina, en lo que pendiere de su arbitrio.—Decima quinta. Ytem declaro: que está á mi cargo por la curia Eclesiastica de esta Diócesis la huerta conocida en esta ciudad por de mi Señora de Guadalupe, y que está ubicada al otro lado del Baimpa, rumbo al Norte, la cual tiene actualmente en arriendo de cincuenta pesos anuales el ciudadano Remedios Estrada, y solo ha abonado la suma de veinte y cinco pesos, restando lo demás desde el dia de su arriendo, como así consta en el cuaderno de esta cuenta, la que mis albaceas reconocerán recogiendo el importe

total que restase discho arrendatario, y dando
 (Stamp) cuenta al Ilustreimo Señor Obispo, para que dis-
 (Notarial Seal.) ponga de dicha finca lo que estimare por conve-
 niente.—Décima sexta. Ytem declaro: que en

148 asunto á las varias cantidades que se recolectaron para el Santuario de la misma Senora Nuestra Madre Santísima de Guadalupe de Buenavista, y sobre los arriendos de la ante citada huerta, hay otro cuaderno de cargo y data en mi poder, de cuya existencia se deben facilitar por orden del Diocesano quinientos pesos para los objetos que dejo ya dispuestos en el expediente formalizado á este intento, por lo que será entregada de mi cuenta la referida cantidad de quinientos pesos, y se me acreditará su importe en el enunciado cuaderno de cargo y data; y lo declaro para que conste.—Decima séptima. Ytem declaro: que instituyo por mis únicos y universales herederos del líquido total de mis bienes verificadas las bajas á que haya lugar, á los ya referidos mis hermanos Don. José María Doña Eulalia y Doña Petra Elias, únicos que sobreviven, y que como las segundas son mujeres y no puedan entender en muchas cosas fuera de la casa, encargo al primero la administración de la labor de pan llevar que cita la cláusula novena de esta disposición, á fin de que cosechados los frutos que diere y pagados los costos de estos, entregue á las hermanas la parte que les

corresponda, y lomismo le encargo respectivamente practique con los semovientes que á ellas les corresponda de los ranchos que trata la otra claúsula octava de la propia disposicion.—

Décima octava. Ytem declaro: que es mi voluntad que 149 los susodichos mis herederos que instituye la claúsula anterior, verificadas que sean las mandas forsozas, las pias, mejoras y legados establecidos en el cumplimiento de esta disposicion; hal-
lan, tengan y disfruten con la bendicion de Dios y la mia, por partes iguales, la Hacienda que les dejo de la manera propuesta; y para sus efectos lo declaro así para la debida constancia.—Décima no-
vena. Ytem declaro: que recomiendo muy mucho á mis referidos hermanos no permitan ni entablen pleito alguno por causade los intereses que les dejo, sino que al contrario obrando como siempre en la estrecha union en que todos hemos vivido, transijan y con-
cluyan entre si fraternalmente cualquiera duda, ó causa que ocurra con motivo de la presente mi ultima voluntad, por lo que el cielo

Stamp. los colmara de la abundancia que les deseo, y en la otra vida cuando la Magestad divina sea ser-
(Notarial Seal.) vido llevarme á ella, obtenga mi alma el gozo de que mis intereses corpóreos no quitaron la paz de mi familia.—Vigésima. Ytem declaro: que en la cuidad de Durango tengo el dominio de una capellania fincada con el capital de cuatro mil pesos y la obligacion de veinte misas anuales, cuya fundacion despues de mi individuo pertenece en derecho al que de mi familia siguiere la carrera eclesiástica, por cuya causa si el niño

José Domingo, hijo de mi hermano Don José Maria Elias, 150 que está en dicha cuidad á curzar estudios, siguiere dicha carrera, á él pasará en su caso la referida fundacion.—

Vigesima primera. Y para cumplir y ejecutar todo lo determinado en la presente disposicion testamentaria que he otorgado, nombro por mis albaceas testamentarios, fidei—Comisarios y tenedores de mis bienes, con los demas sus anexos, en primer lugar á mi hermano Don Jóse Maria, en segundo, á mi hermana Doña Eulalia, y en tercero á mi primo Don Ygnacio Elias á quienes insolidum ó de mancomun con arreglo á las leyes autorizo y faculto para la práctica de cuanto refiere lo determinado en la presente. Y para su cumplimiento les concedo el año legal, y el mas tiempo que fuere necesario, esperando sin embargo de esto, lo hagan y cumplan á la mayor brevedad posible. Y para que dichos mis albaceas lo ejecuten todo por si, sin intervencion de autoridad ninguna judicial ni otra que les interrumpa, sito en mi favor para este caso la Real Provicion vigente de quince de Julio de mil setecientos setenta y nueve, y su concordante de treinta y uno de Agosto de mil setecientos ochenta y uno. Y por el presente revoco y anulo todas y cualesquiera otras disposicion testamentarias, codicilos y declaraciones que álinea de ultima voluntad antes de la presente hubiere otorgado, declarando como declaro, que solo la presente sea valida

y subsistente en todas sus partes; y al efecto de su firmeza, 151 entero fé y crédito, la otorgo y firmo en esta ciudad de Arispe, capital del departamento de Senora, á los treinta dias del mes de Junio de mil ochocientos cuarenta y uno.

JUAN ELIAS GONZALES.

Antorizacion judicial en la cubierta del anterior testamento. En la ciudad de Arispe capital del Departamento de Sonora á primero de Julio de mil ochocientos cuarenta y uno, yó el ciudadano Mariano Morales Alcalde primero por ministerio de la ley dije: que habiendo recibido aviso suplicatorio del Señor Cura Vicario foraneo de esta Capital B. Don Juan Elias Gonzales se pasase por mi y los de mi asistencia á su casa morada donde existe enfermo á lo que (Stamp.) habiéndome constituido como está mandado y á (Notarial Seal.) presencia de siete testigos, á saber ciudadanos Julian Bustamante, Placido Narbona, Santiago Garcia, Miguel Vasquez, Joaquin Corella, Felipe Perez, y Francisco Zarrategui, dijo: el citado Señor Cura Elias que en el presente pliego que me entregó cerrado en blanco se contenia su testamento y última voluntad con arreglo á las leyes, y como católico Apostólico Romano, que al efecto me pedía lo autorisase como único, valido y existente que queria se cumpliera, en cuya virtud dándole la fe judicial que haya lugar en derecho, y rubricando el reverso como corresponde, lo firmó con migos, los testigos susodichos y los de mi asistencia, segun derecho.

MARIANO MORALES.
JUAN ELIAS GONZALES.
JULIAN BUSTAMANTE.
PLACIDO NARBONA.
SANTIAGO GARCIA.
MIGUEL VASQUEZ.
JOAQUIN CORELLA.
FELIPE PEREZ.
FRANCISCO ZARRATEGUI.

Asistencias:

JOAQUIN CORELLA.
FELIPE PEREZ.

Siete rúbricas.—Sugunda clase.—Sello tercero.—Cincuenta centavos.—Para el bienio de mil ochocientos sesenta y ocho y sesenta y nueve.—Administracion principal de papel sellado de Sonora.

Codicilo.

Juan Elias Gonzales vecito y cura párroco de esta ciudad; hallándose en mi entero y cabal juicio, segun Dios nuestro señor me lo ha dado, y sabiendo me ha de llamar ante sí cuando sea su santissima voluntad, declaro: 1º. que en treinta de Junio de mil ocho cientos cuarenta y uno, hice mi disposicion testamentaria, que se halla cerrada y con la autorization correspondiente, y cuya disposicion es mi voluntad tenga su cumplimiento.—(D.) 2º. Declaro que en mi dicha disposicion testamentaria nombré para mis herederos universales á mis hermanos Don José Maria, Doña Eulalia y Doña Petra Elias, para que se repartieran mis bienes por iguales partes; mas habiendo fallecido los

tres, dispongo ahora sean sustituidos. 3º Que la parte de mi hermano Don José Maria le corresponda á sus hijos en igualdad de porciones.—4º Que la de mi hermana Doña Eulalia, se reparta entre mis sobrinos Ramon, Dolores, é Ygnacio Pesqueiras, hijos del Señor Don Ygnacio Pesqueira, en igualdad de partes.—5º Que la parte de mi hermana Doña Petra se reparta entre

los hijos de mi finando hermano Don Ygnacio Elias,
 153 que son Doña Ramona, Doña Jesus, y la esposa del finado
 mi sobrino Don Florencio Elias.—6º Que la hacienda de
 Tecochi, y rancho de la Noria situado en jurisdiccion de Tecoripa,
 los he adquirido despues de mi disposicion testamentaria por compra
 legal.—7º Que en la ya citada disposicion agraciaba á mi hermana
 Doña Eulalia con el tercio y quinto de mis bienes.—8º Que del
 citado tercio y quinto se rebaje el (el) valor de la hacienda de
 Tecochi, y que esta se entregue al antes dicho mi sobrino Don

Ramon Pesqueira para que la disfrute.—9º Que

(Stamp.) el sobrante del tercio y quinto se entregue á los
 (Notarial Seal.) hijos de mi sobrino Don Domingo Elias, para
 que por iguales partes se les reparta, y que todos
 mis herederos disfruten de la porcion que les lego con la bendicion
 de Dios y la mia.—10º Declaro: que en el citado rancho de la
 Noria tengo algunos bienes de campo que administra mi sobrino
 Don Manuel Elias por convenios que con migo ha tenido, cuyos
 documentos, asi como la deuda que tiene conmigo, se halla entre
 mis papeles; mis albaceas procederán al arreglo de uno y otro.—11º
 Declaro: que en Guaymas en poder de Don Francisco Aguilar,
 tengo una cantidad de dinero á premios, cuyo documento debe
 existir entre mis papeles, y en caso de que no, está en poder de mi
 sobrino Don Manuel Elias, quien esta encargado de recojer la can-
 tidad que se vence de premios, y aplicarla á los gastos que se
 154 erogan en el rancho, y algunas cantidades que de ellos me
 ha remitido. Mis albaceas procederán al arreglo de cantidad
 y premios con mi citado sobrino Don Manuel Elias.—12º Declaro:
 que mi hermana Doña Eulalia poseia intereses que estaban man-
 comunados con los mios, porque ambos trabajabamos en un cuerpo,
 sujetos á perdidas y ganancias, y por cuya causa no se hase mencion
 de ellos para separarlos en mi disposicion testamentaria.—13º
 Declaro: que habiendo fallecido los albaceas que en mi disposicion
 nombre nombre para que lo sean y cumplan mi ultima voluntad,
 primero á Don Ygnacio Santos Elias, segundo, á Don Domingo
 Elias; y tercero, á Don José Maria Morales.—Y para que mis
 albaceas cumplan esta mi ultima voluntad, con total arreglo á las
 leyes vigentes; firmo este en Arispe á dos de Febrero de mil ochocientos sesenta y nueve.

JUAN ELIAS.

En la ciudad de Arispe á los dos dias del mes de Febrero de mil
 ochocientos sesenta y nueve, ante mi Carlos Preciado Juez de primera Ynstantia
 Autorizacion judicial en la cubierta del anterior testamento.
 del Distrito, dije: que habiendo recibido
 aviso suplicatorio del Señor Cura y Vi-
 cario foraneo de esta ciudad Don Juan

Elias Gonzales, pásese por mi y los de mi asistencia á su casa donde existe enfermo, á las que habiendo constituido como está mandado, y á presencia de siete testigos, á saber, Ciudadanos Santiago Garcia, Antonio Barreda, Eduardo Bustamante, Mariano Morales, Rafael Barreda, José Maria Elias Morales, y Santiago Villaescusa, dijo; el citado Señor Cura Elias; que en el presente pliego que hace de codicilo cerrado en blanco, contenía igualmente su última voluntad con arreglo á las leyes, y como Católico Apostólico Romano, que al efecto

(Stamp.)
(Notarial Seal.)

me pedía lo autorizase como valido y subsistente, que quería se cumpliera; en cuya virtud dándole la fé judicial que hayo lugar en derecho, lo que firmó con migo y los de mi asistencia segun derecho.

CARLOS PRECIADO.

JUAN ELIAS GONZALES.

SANTIAGO GARCIA.

ANTONIO BARREDA.

EDUARDO BUSTAMANTE.

MARIANO MORALES.

RAFAEL BARREDA.

JOSÉ MARIA ELIAS MORALES.

SANTIAGO VILLAESCUSA.

Asistencias:

BRIJIDO REYES.
JOSÉ MARIA JUBERA.

Arispe, Abril cinco de mil ochocientos sesenta y nueve.—An la fecha yo Carlos Preciado Juez de primera Ynstantia del Distrito, habiendo visto estos autos, dije: que reduzco á escritura publica, y declaro los dos pliegos de que se hace merito, por testamento y última voluntad del finado Señor Cura Vicario foraneo Don Juan Elias Gonzales, todo lo que en catorce fojas se contiene y rubrique segun esta escrito: mando que se protocolice en el archivo de este propio Juzgado,

Auto declarando por legítima disposición testamentaria del finado señor cura Don Juan Elias Gonzales, los pliegos abiertos, el vandalosá instrumento publico y mandandolos protocolizar.

sponde, se traslade conforme á la ley y que de el y de estos 156 autos se den á los interesados los copias y testimonios que pidieren; pues para la mayor subsistencia y validacion de todo interpongo mi autoridad en legal forma, y lo firmo por ante los testigos de asistencia de que doy fé.

CARLOS PRECIADO.

Asistencias:

BRIGIDO REYES.
FRANCISCO YRIGOYEN.

Sacóse del protocolo de instrumentos públicos de mi cargo, para entregar á los interesados: ya fielmente corregido y concertado, en diez y siete fojas de papel comün, por absoluta falta del sello cor-

respondiente, el que ofrecen reponer los interesados dichos, sin cuyo requisito no (no) surtirá el presente sus efectos legales. Autorizado por ante los testigos de asistencia, en Arispe á cinco de Abril de mil ochocientos sesenta y nueve. Doy fe.—Entestimonio de verdad.

CARLOS PRECIADO.

Asistencia:

BRIGIDO REYES.

Asistencia:

FRANCISCO YRIGOYEN.

Tres rubricas.—E.—R.—mi—Vale—E—P—D—el—no—No valen
—E.—R.—tres rubricas—Vale.

Concuerda bien y fielmente con la copia original de primera saca, que me fué exhibida por el interesado, á quien se la devolvi en diez y siete fojas útiles, y de la cual se compulsó para la propia parte el presente testimonio: Vá este cotejado y corregido como corresponde por el infrascrito Notaria público de la Nacion, vecino de esta ciudad en estas doce fojas útiles, que llevan los timbres

157 correspondientes cancelados conforme á la ley.

Mazatlan, Febrero veinte y dos de mil ocho cientos setenta y siete.

Doy fe.

[NOTARIAL SEAL.]

CIPRIANO PINA, N. P. N.

UNITED STATES CONSULATE,
MAZATLAN, February 24th, 1877.

I, E. G. Kelton, consul of the U. S. A. for the port of Mazatlan and the dependencies thereof, do hereby certify that the above signature of Cipriano Pina, a national notary public, duly appointed for this port of Mazatlan, is his true and genuine signature, made and acknowledged in my presence, and do further certify that as such is entitled to full faith and credit.

In witness whereof I have hereunto set my hand
(Consulate Seal.) and affixed the seal of the consulate the day and year first above written.

E. G. KELTON,
U. S. Consul.

(Endorsed:) Exhibit D. Exhibit 3. Filed and recorded, at request of E. B. Perrin, October 8th, A. D. 1877, at 4 o'clock 158 p. m., in Book of Miscellaneous Records, pages 485, 486, 487, 488, 489, '90, —, '92, '93, '94, '95, '96, '97, '98, '99, & 500. Sidney W. Carpenter, county recorder, Pima county.

(Endorsed:) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed:] C 3½. F 6. Copy. Will of Juan Elias Gonzales. Filed Jan. 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

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OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of what it purports to be a transcript of, on file in this office.

LEVI H. MANNING,
Un. S. Surveyor General, District of Arizona.

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EXHIBIT F 2.

Public office of citizen licentiate Cipriano Pina.

Certified copy of the nuncupative will of señor curate, Don Juan Elias Gonzales, deceased, authenticated by comparison, the present instrument, and sight of the original writing, which the interested parties presented, and which was returned to them on seventeen official leaves.

161 A seal inscribed: Chief administration of sealed paper of Sonora. Number 127. Second class. Seal first. For judicial proceedings. Provided for the biennium, 1868 and 1869. Value \$8.00. Chief administration of sealed paper in Sonora.

Hermosillo, October 8th, 1867. Pedro G. Tato. Jose E. Moreno. Two rubrics. Replaced.

Citizen, judge of first instance, we, Ygnacio Santos Elias and Jose Maria Elias Morales, appointed first and third testamentary executors (according as we are advised) by our deceased uncle, Don Juan Elias Gonzales, vicarial curate, a stranger in or non-resident of this city, for the execution of his last will, before your honor, as most conformable with law, appear and declare: that said señor, our uncle, having died Thursday night, the 25th of March last past, having made the two testamentary dispositions which we duly forward in closed sheet, we pray your honor, regarding them as presented, to open the same, and publish them with the due legal solemnity; and having raised them to the position of a public instrument, that the proper certificate be given us, in order that we may comply with our trust, as well as what the interested parties ask; as this which we ask is in fulfillment of justice—protesting not to be proceeding in bad faith, but for what is necessary, and to replace the corresponding sealed paper, which is not to be obtained in the office in this city.

Arispe, April 3d, 1869.

YGNACIO SANTOS ELIAS.
JOSE MARIA ELIAS MORALES.

COURT OF FIRST INSTANCE OF THE DISTRICT, April 3d, 1869.

The two testamentary sheets, to which reference is made, having been duly presented, and the parties interested having presented the last certifications of their being solvent, or not indebted to the public treasury, it is ordered, that the justifica-

tion or proof with witnesses which is asked for, be made, and to that end, let them appear in this court, and, having accomplished the part of the matter which is necessary, let all be brought forward for decree. The judge of first instance of the district thus decreed, ordered, and signed, before the assisting witnesses, on this common, or unofficial paper, in consequence of there not being in the respective office the proper sealed paper, which for validation the interested parties will replace.

CARLOS PRECIADO.

Assisting witness:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

At the same date, citizen Jose Maria Elias Gonzales was present, who, under solemn protest of law or oath to conduct himself with veracity, or tell the truth of what he knew, offered so to do, and it being in reference to the will and codicil presented, he declared it was certain, that the señor vicarial curate, Don Juan Elias Gonzales, had appeared to be in sound mind and furthermore in the presence of the present judge and other witnesses he declared that in those two closed sheets were contained his (the curate's) last testamentary will—he (witness) acknowledged his signature thereto, and that of the testator, who died on Thursday night, the 25th of the month last past—testified to seeing him dead. Declared his name to be, as it is expressed—that he was 33 years of age, married, a laborer, and a resident of this very city—all of which he affirmed and ratified, signing with me and those of my assistants, or the assisting witnesses.

PRECIADO.

JOSE MARIA ELIAS MORALES.

163 Assisting witness:

BRIGIDO REYES.

Assisting witness:

FRANCISCO YRIGOYEN.

Proceedings continued.—Citizen Antonio Bareda, being present, made solemn declaration under the law, to conduct himself with veracity, or state the truth as to what he might know in the matter, and on being questioned, offered to do so, and it being in reference to the said petition, and having been shown the will and codicil presented, he delared: it was true that the señor vicarial curate, Don Juan Elias Gonzales, appeared to be of sound mind, and in presence of the señor, the present judge, and the other witnesses, stated further, that in those two closed sheets, was contained his (the curate's) last testamentary will—that he acknowledged his signature and attested that of the testator, who died on the night of Thursday, the 25th of the past month, he, the witness, having seen him when dead. Said that his name was as above stated, his age to be 34 years, was a widower, collector of rents, and a resident

of this city—all of which he affirmed and ratified, subscribing with me and my assisting witnesses.

PRECIADO.
ANTONIA BAREDA.

Assisting witness:

BRIGIDO REYES.

Assisting witness:

FRANCISCO YRIGOYEN.

At the same date, citizen Eduardo Bustamente, being present, duly solemnly protested under law to state the truth, as to what he knew in the matter, and being questioned about the said petition, and having been shown the will and codicil presented, he declared: That it was true that the señor vicarial curate, Don Juan Elias Gonzales, appeared of sound mind, and in presence of the 164 present judge and other witnesses, moreover declared that in those two closed sheets are contained his (curate's) last testamentary will, acknowledged likewise his signature, and attested that of the testator, who died on the night of Thursday, the 25th of the last month, attesting to have seen him dead—said that his name was as above written, that he was thirty years of age, married, by vocation a laborer, and a resident of this said city, all of which he affirmed and ratified, signing with me and those of my assistants.

PRECIADO.
EDUARDO BUSTAMENTE.

Assisting witnesses:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

In continuation, citizen Santiago Villaescusa, being present, who under protest of law to declare the truth as to what he might know, and being interrogated, offered to do so, and it being in reference to the said petition, and having had shown to him the will and codicil presented, he declared: That it was certain that the señor vicarial curate, Don Juan Elias Gonzales, had appeared to be of sound mind, and in the presence of the present judge, and other witnesses, moreover declared: That in those two closed sheets was contained the last testamentary will of the curate,—attested his own signature and that of the testator, who died on the night of the 25th, (Thursday) of the last month, attesting furthermore to having seen him dead: declared that his name was as above expressed, that he was 49 years of age, a married man, a laborer, a resident of this city, affirming and ratifying the foregoing, and subscribing with me and those of my assistants.

PRECIADO.
SANTIAGO VILLAESCUSA.

Assisting witnesses:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

165 Citizen Santiago Garcia, being present, who under protest of law, declared to state the truth as to what he knew, on being interrogated, offered so to do, and it being in the matter of the said petition, and the testament and codicil presented having been shown him, he declared : That it was true that the señor vicarial curate, Don Juan Elias Gonzales, had appeared in the enjoyment of his mental faculties, and in presence of the present judge, and the other witnesses, stated that in those two closed sheets his last testamentary will is contained, attesting moreover to his own signature, and to that of the testator, who died on the night of Thursday the 25th of the past month, testifying also to having seen him dead ; also declaring that his name was as written, that he was 50 years of age, a bachelor, a laborer, and resident of this same city, all of which he affirms and ratifies, signing with me and my assistants.

PRECIADO.
SANTIAGO GARCIA.

Assisting witnesses :

BRIGIDO REYES.
FRANCISCO YRIGOYEN.

In the same date citizen Rafael Barreda, being present, under solemn declaration of law, to tell the truth touching what he might know and being interrogated, offered so to do, it being in the matter of the said petition—and the will and codicil presented having been exhibited to him : he declared that it was true that the señor, the vicarial curate, Don Juan Elias Gonzales, had appeared in full possession of his faculties, and witness moreover declared in presence of the present judge and the other witnesses, that within those
 166 two closed sheets, is contained his last testamentary will, and recognized his own signature and that of the testator, who died on the night of Thursday, the 25th of last month, attesting to the fact of seeing him dead : declared that his name was as above stated ; that he was 29 years of age, that he was married, a general paymaster of the presidial companies, and a resident of this city, all of which was affirmed and ratified by him, he signing with me and those of my assistants.

PRECIADO.
RAFAEL BARREDA.

Attesting witnessess :

BRIGIDO REYES.
FRANCISCO YRIGOYEN.

ARISPE, April 5, 1869.

At this date and the antecedent proceedings having been finished, with exception of those of citizens Mariano Morales, Miguel Vasquez, Julian Bustamente, Francisco Zarrategui and Placido Narbona, in the parchment (caratula) testamentary granted July 1, 1841, some of them for being absent, and others having died, and it resulting likewise that the deceased señor curate, Don Juan Elias Gonzales, declared as valid and subsistent his will contained in the

said closed sheets, to all of which I certify before all the persons who are present, the said two sheets meanwhile appearing without the slightest suspicion of being torn, the will and codicil presented; on being opened by me, let publication be made in form and decrees be made for the rest petitioned for. I, Carlos Preciado, judge of first instance of the district, so decree, order, and sign, with the witnesses and assistants.

CARLOS PRECIADO.

Assisting witnesses:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Immediately, the judge who subscribed in presence of the
 167 examined witnesses, opened the said testamentary sheets, the first containing six leaves and the second two, both with the third-class seal, giving them in conclusion the due publicity to their conclusion, which terminates thus: "Juan Elias Gonzales" and the literal tenor of the same is the following, to which I certify.

PRECIADO.

Assisting witnesses:

BRIGIDO REYES.

FRANCISCO YRIGOYEN.

Third-class seal, two reals, for the years 1840 and 1841.

In the name of Almighty God and of the ever Virgin Mary, our lady, amen.

I, the B. Juan Elias Gonzales, proper curate and foreign vicar of the parish of this city, and native of the same, legitimate son and of legitimate matrimony of Don Francisco Elias Gonzales, and of Doña Maria Dolores Romo de Vivar, now deceased, declare: That, finding myself unwell by decree of Providence, but in my sound state of mind, memory, and natural understanding, and believing as I firmly believe, the ineffable mystery of the most Blessed Trinity, Father, Son, and Holy Spirit, three persons distinct and only one true God, and in the admirable sacrament of the eucharist, and in the sacred virginity of the Empress of the Heavens, and in all the other mysteries and sacraments which the holy Catholic Church has believes, and confesses, and which are contained in the creed and articles with the seven sacraments instituted, by my Redeemer, Jesus Christ, the Savior of the world, to which communion I belong, and invoking, as I do invoke, to my aid the mother of God, the holy angel of my guardianship, saints of my name, and those of my devotion, with the entire celestial corps; I make, form, and order with their assistance my testamentary disposition in the following form: First,

I order and commend my soul to God, our Lord, who created
 168 it out of nothing, and my body to the earth of which it was formed, which, when it becomes a corpse will be shrouded with the habit which corresponds to my condition, and to be buried in the parish under my charge, in the place prescribed for these cases, observing in this particular the greatest possible humility,

which I esteem conducive to the health of this transitory life for the eternal existence which I hope to enjoy through the blood, of the Immaculate Lamb, Jesus Christ.—Second. I also order, it being my will, that the sum of \$100 shall be distributed by disposition of my executors in suffrages for the good of my soul, and for other funeral expenses and interment without any pomp, I so declare that the same may be in evidence.—Third, I also declare that in fulfillment of the law, and in order to satisfy Christian piety, my executors shall pay out of the interests of my estate for once, one dollar to each one of the obligatory legacies established for testators.—Fourth, I also order that of the estate which belongs to my possession shall be taken or separated the sum of \$500; which my executors, with observance of entire justice and equity, shall distribute among the poor of my curacy, really necessitated; considering as in this category the necessitated widows of good character and the maids and orphans who may ask for the same, according to the circumstances in which they find themselves to the greater honor and glory of God; and I declare this that it may appear in evidence.—Fifth, I also declare that in the private book accounts at my house are to be found those of my servants of which they have evidence, and where it appears that they are justly indebted to me for subministration which I have made them, which indebtedness I voluntarily cancel, frankly and freely, to the extent of one-half of said credits, let the same be what they may, in consideration that they have attended me and equally in consideration of their being poor people who would be alleviated by said discharge and as well for the good of my soul.—Sixth, I also declare as my realty property on the frontier, one-fourth part of which are lands of the Hacienda de San Pedro and the Cienega de Heredia, which one-fourth part are mine: the half of the ranch Babocomari; and some portion of the lands of Agua Prieta and Adeniabacachi (Tesocomachi) from my having contributed to their registry and acquisition in company with my brothers, Don Rafael and Don Ygnacio Elias, in which land I have an equal right of property to the semovientes or self-movable property, which are to be found with my mark and brand, and to the sixth part of the stock; and I declare the same that it may appear in evidence.—Seventh, I also declare that the land and self-movable property to which the anterior clause referred, it is my spontaneous will, to the greater honor and glory of God, should be applied for endowment funds for the College of Santo Tomas de Sonora, in the city of Culiacan, for its greater progress, and that said college, animated by the zeal of Jesus Christ, should promote the promulgation of ecangelism in these frontiers for the conquest of the infidels and bringing them into the divine fold; and I make it appear here for its fulfillment; adverting to the fact that if the said college or any other similar institution be founded within the department of Sonora, to it shall belong the said funds.—Eighth, I likewise declare as pertaining to my estate the ranches "Carriso" and "Tucaro," situate to the eastward of this city, with the sitios or leagues which

are mentioned in the respective titles which give me
170 possession thereof, and the self-movable property of all kinds existing thereon, distinguished by my mark and brand, and the stock which may belong to me.—Ninth. Moreover, I declare to be my property the land cleared for cultivation, with the respective wagons, which is on the other bank of the river, en el poso de la nieve, in a direction to the east, within the boundaries of their respective fences, and besides others attached to the Macuchi, and that which Felipe Verdugo cultivates, taking notice that although I have possession of the other which is that which Santos Cruz cultivates, it is not my property, but only suffers the incumbrance indicated in the instrument which is in my power, and I make this declaration that it may appear in evidence.—Tenth, I also declare to be my property the house which is situate in front of that in which I live, with that which forms the street, and in which there is a grocery store composed of five rooms, a corral, and a court of small size. That of the contiguous plaza to that of my brother, Don Jose Maria Elias, with the number of five rooms and a corresponding court. Also the other house situated in the street of la Senora Morales and contiguous to the habitation of the aforesaid, with the total of ten rooms, court, and corral, which it likewise has; and, moreover, I have other small houses known to my executors, and I make the above appear for its due evidence.—Eleventh: I also declare that the house actually occupied by me, as well as the orchard which has been recognized as mine and planted with various fruit trees, and that of some rooms of which it is composed, belong in property to my (brothers) sisters, Eulalia and Petra Elias, with the mutual consent of the grown brothers, to whom it jointly belongs together with the others, and I so declare it for evidence.—
171 Twelfth: I also declare that I have no passive debts; but that the active ones which are owing me by various persons I leave mentioned and designated minutely and the list signed by me, and on a sheet enclosed under the title of its contents, to which my executors will dedicate themselves for the collection of the amounts.—Thirteenth: I also declare that to my sister Doña Eulalia, in consideration of the affection I cherish for her personally for so many years, it is my will to ameliorate her condition with the third and fifth of my free effects, with, moreover, all the contents and furniture of the house within the doors thereof; and I declare this that it may appear in evidence.—Fourteenth: I also declare that to my niece, Doña Marin Elias, who has always resided in the house with my said brother, in the anterior clause, I bequeath the sum of \$300, which my executors will have a care that she receives in money, or in such articles as may be agreeable to her, and I express this here in order that it may appear in evidence, charging equally my said sisters never to refuse shelter or protection to my said niece in whatever might depend upon their ability.—Fifteenth: I also declare that there is in my charge by the curacy ecclesiastic of this diocese the fruit garden known in this city as that of the Señora de Guadalupe, and that it is situate on the other side of the Baimpa, in a northerly direction, which is actually under rent in the sum of

\$50 a year to the citizen Remedios Estrada, and he has only advanced the sum of \$25, the balance remaining due since the day of its rental, as will appear in the books of this account which my executors will recognize, collecting the entire amount which may remain of said rental and accounting for the same to the most illustrious Señor Obispo, in order that he may make such distribution of said orchard as he may deem convenient.—Sixteenth:

I declare also that in the matter of the various sums which may be collected for the sanctuary of the said Señora Madre Santísima de Guadalupe de Buenavista, and in the matter of the rents of the before-mentioned orchard, there is another account book and other data in my possession, of the existence of which and out of which ought to be facilitated by order of the diocesan, \$500 for the purposes which I have already ordered in the proceeding formulating with this intent, on account of which there will be delivered on my account the sum of \$500 and the amount will be credited to me in the said book of accounts and data; and I declare this that it may appear in evidence.—Seventeenth: I also declare that I institute as my only and universal heirs to the liquid amount of my estate, verified; to the already mentioned my brothers Don Jose Maria, Doña Eulalia and Doña Petra Elias, the only ones who survive, and as the latter two are women and cannot understand or take charge of matters outside of the house, I enjoin upon the first the administration of the lands cleared for cultivation, which is mentioned in the ninth clause of this testamentary disposition, in order that the fruits harvested which it may provide and the expenses of these being paid, the part which would belong to them should be delivered to my sisters, and, in the same manner, I enjoin him respectively to proceed and act with reference to the movable or personal estate which may belong to them on the ranches of which the eighth clause of this testamentary disposition treats.—Eighteenth: I also declare that it is my will that the aforesaid my heirs, as instituted by the anterior clause, after execution

or verification of the obligatory legacies, charities, and legacies established in the fulfillment of this disposition testamentary, may find, have, and enjoy, with the blessing of God and my own, in equal parts the hacienda (estate) which I leave them in the manner indicated; and for its due effects, I make this declaration for its due evidence.—Nineteenth: I also declare that I very much recommend to my said brothers and sisters that they should not allow or institute any suit whatever in the matter of the interest which I leave them, but, on the contrary, acting ever in the strictest harmony like that in which we have all lived, they may transact and conclude and settle fraternally among themselves any and whatever doubt or difficulty which may result in consequence of the present instrument, my last will, for which Heaven will provide them with the abundance which I desire them, and in the other life, when the Divine Majesty may be pleased to carry me hither, my soul may enjoy the satisfaction of knowing that my temporal or corporeal interests did not break up the peace of my family.—Twentieth: I also declare that in the city of Durango I have possession

of a chaplaincy furnished with the capital of \$4,000, and the obligation of twenty annual masses, which establishment after me would belong of right to such one of my family as might follow the ecclesiastical career, on account of which, if the youth Jose Domingo, the son of my brother, Don Jose Maria Elias, who is in said city, pursuing a course of study, should follow said career, to him will pass in its turn the said establishment.—Twenty-first: And, in order to the accomplishment and execution of all determined in the present testamentary disposition which I have granted, I nominate as my testamentary executors, trustees, and possessors of my estate, with all pertaining thereto, in the first place my brother, Don Jose Maria, in the second place my sister, Doña Eulalia, and in the third place, my cousin, Don Ygnacio Elias, to whom, jointly and severally, in conformity to the law, I authorize and give full faculty for the execution of whatever may refer to what is determined in the present instrument. And for its accomplishment, I concede or waive the legal year (ano legal), and the additional time which may be necessary, trusting nevertheless that they may do and perform the business with the greatest possible brevity. And in order that my said executors may execute all of the same by themselves, without the intervention of any judicial authority or any other which may interrupt them, I establish in my favor for this case the royal provision of the 15th of July, 1769, now in force, and its concordant provision of the 31st of August, of 1781. And by the present instrument I revoke and annul all and whatever other testamentary dispositions codicils, and declarations which as my last will before the present I may have granted, declaring, as I do declare, the present will to be the only valid and subsisting one in all its parts; and with a view to its firmness, entire faith, and credit, I grant it and sign it in this city of Arispe, capital of the department of Sonora, on the 30th day of the month of June, 1841.

JUAN ELIAS GONZALES.

In the city of Arispe, capital of the department of Sonora, on the 1st of July, 1841, I, the citizen, Mariano Morales, first alcalde by virtue of the law, declare: That having received a supplicatory notice from the señor cura vicario, stranger, of this capital B, Don Juan Elias Gonzales, that I and my assisting witnesses should proceed to his residence where he was sick to carry out objects for which my office was constituted, and in presence of seven witnesses, to wit: citizens, Julian Bustamente, Placido Narbona, Santiago Garcia, Miguel Vasquez, Joaquin Corella, Felipe Perez and Francisco Zarrategui, he said: The said Señor Cura Elias, that in the present sheet, which he delivered to me sealed or clothed in blank, his testament and last will in conformity with law, was contained, and as a Roman apostolic Catholic, he asked me for an authorization in effect of the same as the only valid and existent will which he wished to be executed, to which purpose giving it the judicial faith which is required in law and placing the

respective rubrics, he signed it with me and the aforesaid witnesses, and those of my assistants, according to law.

MARIANO MORALES.
JUAN ELIAS GONZALES.
JULIAN BUSTAMENTE.
PLACIDO NARBONA.
SANTIAGO GARCIA.
MIGUEL VASQUEZ.
JOAQUIN CORELLA.
FELIPE PEREZ.
FRANCISCO ZARRATEGUI.

Assisting witnesses:

JOAQUIN CORELLA.
FELIPE PEREZ.

Seven rubrics. Second class. Seal third. Fifty cents. For the biennium, 1868 and 1869. Chief administration of sealed paper of Sonora.

Codicil.

I, Juan Elias Gonzales, resident and parochial curate of this city, finding myself in sound mind and memory, according as God has given me, and knowing that he has to call me before him when it may be his most holy will so to do, I declare: First: That on the 30th of June, 1841, I made my testamentary disposition, which is to be found closed up and with the corresponding authorization, and which said disposition it is my will should have its due fulfillment (D). Second: I declare that in my said testamentary disposition I have nominated as my universal heirs my brothers

176 and sisters, Don Jose Maria, Doña Eulalia, and Doña Petra

Elias, in order that they might divide among them in equal shares my estate; but the three having deceased, I order now that they may be substituted, or others put in their place.—Third: That the portion of my brother, Don Jose Maria, should correspond to or be given to his children in equal parts.—Fourth: That that of my sister Doña Eulalia, should be divided among or between nephews Ramon Dolores and Ygnacio Pesqueiras, children of Señor Don Ygnacio Perquiera, in equal parts.—Fifth: That the share of my sister Doña Petra should be divided between the children of my deceased brother, Don Ygnacio Elias, who are Doña Ramona, Doña Jesus and the wife of my deceased nephew, Don Florencio Elias.—Sixth: That the Hacienda de Tecochi and the Rancho de la Noria, situated in the jurisdiction of Tecoripa, have been acquired by me since the date of my testamentary disposition, by legal purchase.—Seventh: That in the already cited disposition, I favored my sister, Doña Eulalia, with the third and fifth of my estate.—Eighth: That of the said third and fifth the value of the Hacienda de Tecochi is de-

ducted, and that this may be delivered to the before-mentioned, my nephew, Don Ramon Pesquiera, in order that he may enjoy the same.—Ninth: That the surplus of the third and fifth be delivered to the children of my nephew, Don Domingo Elias, that they may divide the same among them, and that all the heirs may enjoy the part or portion which I bequeath them, with the blessing of God and my own.—Tenth: I declare that in the said Rancho de la Norta I have some country interests or property which my nephew, Don Manuel Elias, manages through agreements which exist between him and myself, which document or agreement, as well as the debt which he has with me, are to be found among my papers; my executors will proceed to the adjustment of one and the other.—Eleventh. I declare that in Guaymas, in possession of Don Francisco Aguilar, I have a sum of money at interest, the document of which ought to be found among my papers, and in the event that it is not so found, it is in possession of my nephew, Don Manuel Elias, who is charged with the collection of the sum when the interest matures, and apply the same to the expenses which are occasioned on the ranch, and any sums which of the same have been remitted me. My executors will proceed to the settlement of the sum and the interest with my said nephew Don Manuel Elias.—Twelfth. I declare that my sister, Doña Eulalia, possesses interests which are jointly with mine, because we both work together, subject to profits and loss, and for which reason mention is not made of them with a view to segregate them in my testamentary deposition.—Thirteenth: I declare that the executors appointed in my will having died, I now nominate, in order that my will may be executed and fulfilled, first, Don Ygnacio Santos Elias, second, Don Domingo Elias, and third, Don Jose Maria Morales.—And in order that my executors may carry out this, my last will, with entire conformity to existing laws, I sign this in Arispe, February 2nd, 1869.

JUAN ELIAS —.

In the city of Arispe, on the 2nd day of the month of February, 1869, before me, Carlos Preciado, judge of first instance of the district, declared: That, having received a supplicatory notice from the señor cura y vicario, of this city, Don Juan Elias Gonzales, that I should, in company with my assisting witnesses, repair to his house, where he was lying sick, for the purposes for which 178 my office was established, and in presence of seven witnesses, to wit: Citizens Santiago Garcia, Antonio Barreda, Eduardo Bustamente, Mariano Morales, Rafael Barrada, Jose Maria Elias Morales, and Santiago Villaescusa, the said Señor Sura Elias declared: that the present sheet contained his codicil, enclosed in blank; it contained likewise his last will, in conformity with the laws, and as a Roman apostolic Catholic, and he besought me to authenticate the same as valid and subsisting, and which he wished to be carried out; in virtue of which, giving it the judicial faith,

which takes place in law, he signed it with me and those of my assistants, according to law.

CARLOS PRECIADO.
 JUAN ELIAS GONZALES.
 SANTIAGO GARCIA.
 ANTONIO BARREDA.
 EDUARDO BUSTAMENTE.
 MARIANO MORALES.
 RAFAEL BARREDA.
 JOSE MARIA ELIAS MORALES.
 SANTIAGO VILLAESCUSA.

Assisting witnesses :

BRÍJIDO REYES.
 JOSE MARIA JUBERA.

Arispe, April the 5th, 1869.—At this date I, Charles Preciado, judge of first instance of the district, having seen these proceedings, declared : That I reduced to public instrument and declared the two sheets which are treated of as the testament and last will of the said deceased, señor vicarial curate, Don Juan Elias Gonzales, the whole of it contained in fourteen pages and rubricated according as it is written. I order that the same be protocolized in the archives of this said tribunal, and there not being any sealed paper which corresponds in the place, that the same be transcribed conformable to law, and of it and of these acts copies and certificates which they may ask for may be supplied to the interested parties; as for greater subsistence and validity of all, I interpose my authority in 179 legal form, and I subscribe the same before the witnesses of assistance, to which I certify.

CARLOS PRECIADO.

Assisting witnesses :

BRIGIDO REYES.
 FRANCISCO YRIGOYEN.

Copied or drawn from the protocole or registry office of public instruments under my charge, for the purpose of delivery to the interested parties, the same goes faithfully corrected and compared on seventeen leaves of common paper, from the absolute absence in this place of the corresponding sealed paper, which the interested parties offer to make good, without which requisite the present instrument will fail of its legal effect.

Authorized before the assisting witnesses in Arispe on the 5th of April, 1869.

I certify in testimony of the truth.

CARLOS PRECIADOS.

Assisting witnesses :

BRIGIDO REYES.
 FRANCISCO YRIGOYEN.

Three rubries.—E.—R.—mi—good—E.—P.—D.—el—no—not valid—E.—R.—three rubries—valid.

Agrees well and faithfully with the original copy first drawn which was exhibited to me by the interested parties, to whom I have returned the same on seventeen official sheets or leaves, and the — which is duly authenticated for the said parties. The same compared and corrected by the undersigned, notary public of the nation, resident of this city, on twelve official leaves, which bear the corresponding stamp, duly canceled according to law.

Mazatlan, February 22, 1877.

I certify.

[NOTARIAL SEAL.]

CIPRIANO PINA, N. P. N.

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UNITED STATES CONSULATE,
MAZATLAN, February 24th, 1877.

I, E. G. Kelton, consul of the U. S. A. for the port of Mazatlan and the dependencies thereof, do hereby certify that the above signature of Cipriano Pina, a national notary public, duly appointed for this port of Mazatlan, is his true and genuine signature, made and acknowledged in my presence, and do further certify that as such is entitled to full faith and credit.

In witness whereof I have hereunto set my
[CONSULATE SEAL.] hand and affixed the seal of the consulate the day and year first above written.

E. G. KELTON,
U. S. Consul.

(Endorsed:) Exhibit D. Exhibit 3. Filed and recorded, at request of E. B. Perrin, October 8th, A. D. 1877, at 4 o'clock p. m., in Book of Miscellaneous Records, pages 485, 486, 487, 488, 489, '90-'92, '93, '94, '95, '96, '97, '98, '99, and 500. Sidney W. Carpenter, county recorder, Pima county.

(Endorsed:) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

181

OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of, on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

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PLAINTIFF'S EX. "G."

Oficio público del ciudadano licenciado Cipriano Piña.

Will of Josefa Coronado.

Testimonio de escritura de testamento abierto ó nuncupatibo que otorgó en la villa de Rayon Estado de Sonora la finada Doña Josefa Coronado, de cuya disposicion se compulso testimonio por concuerdo por exhibicion del original de primera saco que ha presentado el interesado en tres fojas útiles, y al cual se le devuelve.

183 Un sello que dice: Estado libre de Sonora.—Sello tercero.—
Dos reales—Para los años de mil ochocientos treinta y cinco y mil ochocientos treinta y seis.

Señor Juez de paz:

Florencio Elias Gonzales parece ante V. y dice; que teniendo el cargo de primer albacea testamentario de mi finada madre, Doña

Josefa Coronado, ocurro á V. supplicándole que para los efectos que me convengan se sirva mandar que á continuacion de este pedido se me dé testimonio integral de la disposicion testamentaria de la repetida mi madre, formada el veinte y seis de Abril de mil ochocientos treinta y seis.—Por tanto y ser asi de justicia—A. V. pido se sirva proverlo, asegurando que

(Stamp.)
(Notarial Seal.)

Escrito pidiendo testimonio del (de) testamento.

Cotejado y corregido
Pina.

en ello recibiré gracia y justicia.
Rayon, Septiembre veinte y seis de mil ochocientos treinto y seis.

FLORENCIO ELIAS. [UNA RUBRICA.]

Juzgado de paz de Rayon, Septiembre veinte y seis, de mil ochocientos treinta y seis.

Auto mandando se compulse la copia.

Por presentado, y siendo efectivo que la finada Doña Josefa Coronado dejó de primer albacea al Señor Don Florencio Elias, su hijo, librese á este el testimonio que pide, archivandose el testamento original.

JOSÉ NICOLAS ROBLES,

Juez de Paz.

Así lo decreté, mandé, y fermé con testigos de asistencia segun derecho.

Doy fe.

JOSÉ NICOLAS ROBLES,

(Juez de Paz.)

De asistencia:

JESUS GONZALES.

De asistencia:

MANUEL FUSTEL. [TRES RUBRICAS.]

Testamento.

En el nombre de Dios todo poderoso : Yo María Joséfa Coronado vecina de esta villa de Rayon, natural del presidio del Altar hija lejítima y de lejítimo matrimonio de Don Manuel Coronado, y de Doña Francisca Arvino, ya difuntos ; hallándome gravemente adoleciendo de enfermedades que Dios nuestro Señor ha sido servido enviarde, pero en mi entero juicio y cabales sentidos y potencias,—Creyendo como fielmente creo en todos los artículos y

Disposición testamentaria a que se refiere la diligencia anterior.

misterios de nuestra santa fe católica, Apostólica Romana que profeso como fiel cristiana, dentro de los cuales protesto que deseo vivir y morir, poniendo como pongo en mi trance amargo de la muerte que me espera, por medianeros é intersesores ante mi Dios y redentor Jesucristo, que me redimió con su preciosísima sangre, pasión y muerte de cruz, á la reina de los ángeles María Santísima de los Dolores, madre de los pecadores, santo ángel de mi guarda, santo de mi nombre, y demás de mi devoción, para que su divina majestad tenga misericordia de mi alma, y la lleve á la bienaventuranza eterna ; hago, ordeno, y dispongo mi testamento en la forma, y con las cláusulas siguientes.

Primera. Doy mi alma á Dios nuestro señor, y mi cuerpo mando á la tierra de que fué formado.—Segunda. Ordeno que mi cadáver sea sepultado en esta parroquia con entierro humilde, á disposición de mis albaceas, amortajándose con el santo hábito de

185 nuestro santísimo padre San Francisco.—Tercera. Mando se apliquen cien misas á beneficio de mi alma.—Cuarto. Mando se den tres pesos á las mandas forzosas y piadosas.—Quinta. Mando se repartan cien pesos en limosnas en esta villa á viudas pobres, y huér-

(Stamp.) fanos desamparados para que me encomiendan á Dios.—Sexta. Declaro que fuí casada en primeras

(Notarial Seal.) nupcias con el finado Don Salvador Monreal de quien tuve tres hijos que fueron Francisco, Juana

y Jesús, de los cuales solo vive el último.—Septima. Declaro que fuí casada en segundas nupcias con el finado Don Ygnacio Elias Gonzales, de quien tuve siete hijos, que lo fueron, Francisco, Concepción, Florencio, Dolores, José, Jesús, y Mariano ; á cuyo matrimonio introduce diez lleguas, mas ó menos, que en certeza no me acuerdo su número, y un garañón, un baúl con mi ropa de uso, cama de dormir, y cosa de doscientos pesos en dinero ; y mi dicho esposo no introdujo mas bienes que su hombria de bien ; aunque quedaron, nuestros mis padres, mas bienecitos que dibian haberme tocado de herencia los gastó mi hijo Jesús.—Octava. Declaro que á la fecha aun se haya pendiente la testamentaria y división de bienes de mi segundo esposo Don Ygnacio Elias, por lo que ordeno que concluida que sea por sus albaceas, cumplan los míos con mi presente disposición,

186 y conforme á lo dispuesto en aquel testamento, mando pue de la parte que me corresponde se saque el tercio, y se reparta libre entre mis herederos Florencio, María y Jesús, y los hijos de mi finado hija María Concepción, que son Mariano, Serapio y María del Refugio, haciendo estos uno por su madre, á

quiénes es mi voluntad mejorar en esta parte con arreglo á nuestra leyes vigentes; y en el demás resto de los bienes é intereses que me pertenezcan, instituyo por mis legítimos y universales herederos y sucesores, amis hijos que viven, Florencio, Maria, Jesus los menores de mi citada hija ya expresados, inclusivo el que señalo en la clausula sesta.—Novena. Mando se le den á la Rosalia mi criada dos vaquillas, y se le perdone todo lo que debe.—Decima. Yten á la Rosa que se le den seis vaquillas.—Decima primera. Yten A la Ramonsita mando que se le den veinte vaquillas.—Decima segunda. Mando que despues de sacado el tercio se paguen todas las mandas, y donaciones que dejo expresadas del demás cuerpo de mis bienes.—Decima tercera. Declaro que le debo á Don Juan Fuerte cincuenta vacas paridas, manzas, y cincuenta vaquillas; Y dicho Señor, me debe lo que sabe mi hijo Florencio segun su cuenta á que me remito.—Decima cuarta. Declaro que la casa habidacion de la Rosa que es de mi propiedad, se la he bendido á mi hijo Florencio por la cantidad de cuatro cientos pesos, cuya
187 suma no adeuda.—Decima quinta. Declaro que conforme lo demarcan nuestras leyes dispongan mis Albaceas la seguridad de la tutela de los menores expresados, hijos de mi hija Maria Concepcion.—Decima sexta. Dejo de mis bienes cien pesos para un frontal de la capilla de nuestro amo que se ha de hacer en esta parroquia.—Decima septima. Constan apuntados en un cuadernito las personas que me deben y cuyas cantidades cobrarán mis Albaceas.—Decima octava. Nombro por mis Albaceas, y ejecutores de este mi testamento en primer lugar á mi hijo Florencio,
(Stamp.) en segundo á mi hijo politico Don Juan José
(Notarial Seal.) Serrano, y en tercero á Don Manuel Maria Grimalva, á quienes insolidum doy todo mi poder y facultad tan bastante cuanto en derecho sea necesario, para que sin ninguna interencion judicial entren despues de mi muerte; y conoscan sobre mis bienes; practiquen inventarios, y particion, y cumplan con los legados, mandas, y donaciones que dejo expresadas, hasta su total conclusion por el termino de la ley, y el que mas puedan nescitar, les ampleo, y concedo, declarando que por el presente documento, rebozo, anulo, y doy por invalidos, otros cualesquier testamento, testamentos, codicilo, ó codicilos, que aparezcan, para que solo este haga fíe, asi en juicio como fuerza de el, y que se esté á todo lo que contiene, pues asi es mi voluntad, ultima,
188 y postrimera voluntad, y disposicion que salve mi conciencia. Asi lo otorgo, siendo testigos rogados los Ciudadanos Joaquin Contreras, José Antonio Hugues, Juan de Dios Sinohui, Relles Contreras, y Juan José Contreras, todos de esta vecindad, con quienes lo firmo á veinte, y seis de Abril de mil ochocientos treinta, y seis.

MARIA JOSEFA CORONADO.

JUAQUIN CONTRERAS.

JUAN DE DIOS SINOHUI.

JOSÉ ANTONIO HUGUES.

RELLES CONTRERAS.

JUAN JOSÉ CONTRERAS.

Concuerda con su original que queda agregado al protocolo de instrumentos publicos otorgados en este juzgado de paz del que se saco corrijio, y concertó, en estas tres fojas utiles segun constan de su sello: fueron testigos al concordar el expresado testimonio los dos testigos de mi asistencia con quienes lo autorizé, y firmé, hoy veinte, y seis de Setiembre de mil ochocientos treinta y seis.

Doy fé en testimonio de verdad.

JOSÉ ROBLES.

De asistencia :

JOSÉ PABLO KELLY.

De asistencia :

MANUEL FUSTEL. [TRES RUBRICAS.]

E—P—juez de paz—voluntad—No valen—E—debian—Vale.

Concuerda bien y fielmente con la cópea original de primera saco, que me fué exhibida por el interesado, á quien le fué devuelta en tres fojas útiles, de lo cual se compulsó para la propia parte el presente testimonio: vía este cotejado y corregido por el infrascrito notario público, vecino de esta ciudad, en estas tres fojas útiles de papel del tamaño comun, que llevan los timbres correspondientes cancelados conforme á la ley.

189 Mazatlan, Febrero veinte, y tres de mil ochocientos setenta y siete.

Doy fé.



[NOTARIAL SEAL.]

CIPRIANO PIÑA, N. P. N.

UNITED STATES CONSULATE,
MAZATLAN, February 24th, 1877.

I, E. G. Kelton, consul of the U. S. A. for the port of Mazatlan and the dependencies thereof, do hereby certify that the above signature of Cipriano Pina, a national notary public, duly appointed for this port of Mazatlan, is his true and genuine signature, made and acknowledged in my presence, and further certify that as such is entitled to full faith and credit.

In witness whereof I have hereunto set my hand and affixed the seal of the consulate the day and year first above written.

[CONSULATE SEAL.]

E. G. KELTON,
U. S. Consul.

(Endorsed:) Exhibit C. Exhibit "2." Filed and recorded, at request of E. B. Perrin, October 8th, A. D. 1877, at 4 o'clock p. m., in Book of Miscellaneous Records, pages 481, 482, 483, 484, & 485. Sidney W. Carpenter, county recorder, Pima county.

(Endorsed :) Filed January 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

[Endorsed :] Case No. 3 $\frac{1}{2}$. F. No. 7. Will of Josefo Coronado. Filed Jan. 26, 1894.

190

OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of what it purports to be a transcript of, on file in this office.

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

191

PLAINTIFF'S EX. G 2.

Public office of citizen licentiate Cipriano Pina.

Certified copy of the open or nuncupated will which Doña Josefo Coronado, deceased, granted in the city of Rayon, State of Sonora, of which will or testamentary disposition it is an authentic copy, by comparison with the original first drawn, which the interested party has presented on three official sheets, and to whom the same is returned.

192 A seal inscribed : Free State of Sonora. Third class seal.
Two reals. For the years 1835 and 1836.

Mr. justice of the peace :

Florencio Elias Gonzales appears before your honor and says: That, discharging the trust of first testamentary executrix of my deceased mother, Doña Josefo Coronado, I recur to your honor supplicating you that for the purposes which are necessary to me you will be pleased to order that, in continuation of this petition that a perfect certificate be issued to me of the testamentary disposition of the aforesaid, my mother, made the 26th of April, 1836. Therefore and in consequence of its being in accordance with justice, I pray your honor to be pleased to decree it, assuring you that by so doing I will receive both grace and justice.

Rayon, September 26, 1836.

FLORENCIO ELIAS. [A RUBRIC.]

Court of the justice of the peace in Rayon, September 26, 1836.

The above having been presented, and it being the fact that the deceased, Doña Josefo Coronado, left as first executor Senor Don Florencio Elias, his son, let there be delivered to the latter the certificate which he asks for, filing for record the original will.

JOSE NICOLAS ROBLES,
Justice of the Peace.

So ordered, decreed, and signed with assisting witnesses according to law.

I certify.

JOSE NICOLAS ROBLES,
Justice of the Peace.

Assisting witnesses:

JESUS GONZALES.

MANUEL FUSTEL. [THREE RUBRICS.]

Testament.

In the name of Almighty God: I, Maria Josefa Coronado, a resident of this city of Rayon, a native of the presidio of Altar, the legitimate daughter of the legitimate marriage of Dou 193 Manuel Coronado and of Dona Francisco Arvino, now deceased—that encountering myself gravely suffering from infirmities, which God our Lord has seen fit to afflict me with, but in entire possession of my mind, feelings capacities—belonging as I do and faithfully believing as I do in all the articles and mysteries of our holy apostolic Roman Catholic faith, which I profess as a faithful Christian, in midst of which I protest that I desire to live and die, and placing as I place, in this bitter peril of death which I expect, the queen of the angels, the most holy Mary de los Dolores, mother of sinners, my holy guardian angel, saint of my name, and also of my devotion, as mediator and intercessor before my God and Redeemer, Jesus Christ, who redeemed me with his precious blood, passion and death on the cross, in order that His Divine Majesty may have mercy on my soul and bear it to eternal beatitude—I make, order, and dispose my testament or will in the form, and with the clauses following:

First. I give my soul to God, our Lord, and my body I consign to the earth, out of which it was formed.

Second. I order that my corpse be given sepulture in this parish in the most humble manner, at the disposition of my executors shrouding the same with the holy habit of our most holy father, San Francisco.

Third. I order that one hundred masses be applied for the benefit of my soul.

Fourth. I order that there be given three dollars to the Obligatory and Pius charity.

Fifth. I order that one hundred dollars be distributed in alms in this city to poor widows, and orphans unsheltered, in order that they may commend me to God.

194 Sixth. I declare that I was united in first nuptials with the late Don Salvador Monreal, of whom I had three children who were Francisco, Juana, and Jesus, of which the last is the only survivor.

Seventh. I declare that I was united in second marriage with the late Don Ygnacio Elias Gonzales, by whom I had seven children, who were Francisco, Concepcion, Florencio, Dolores, Jose, Jesus, and Mariano; at or into which marriage I introduced ten mares

more or less, I do not recollect the exact number, and a stallion, a trunk with wearing apparel, a bed in which to sleep, and some two hundred dollars in money; and my said husband did not introduce into the matrimonial union any other thing than his honor as a man; notwithstanding more effects remained to me from our parents which ought to have been obtained by me by inheritance, but which my son Jesus squandered.

Eighth. I declare that at the date now current there still is pending the estate and the division thereof — my second husband, Ygnacio Elias, in consequence of which I order that administration thereof having been concluded by its executors, my executors will comply with my present disposition of the same and conform to all provided in that testament—I order that out of the part which belongs to me there be drawn one-third, and that it be freely distributed between my heirs Florencio, María and Jesus, and the children of my late daughter, María Concepcion, who are named Mariano, Serapio and María del Refugio, the latter making one by their mother, whom I wish to better in their condition in this part in conformity to our existing laws; and of the rest of the estate and interest which may belong to me I institute as my legitimate and universal heirs and successors, my surviving children, Florencio, María, Jesus and the minor children of my said daughter already named inclusive of him indicated in the sixth clause.

Ninth. I order that there should be given to Rosalia, my servant, two heifers, and I cancel all debts that she may owe me.

Tenth. Also to Rosa I order to be given six heifers.

Eleventh. I order also that there be given to Ramonsita twenty heifers.

Twelfth. I order that after the third be drawn out, all the charities and donations which I have mentioned be paid out of the remaining body of my estate.

Thirteenth. I declare that I owe Don Juan Fuerte fifty milch cows and fifty heifers, and that said señor owes me the amount which is known to my son Florencio according to his account, to which I refer.

Fourteenth. I declare that the dwelling-house of la Rosa, which is my property, has been sold to my son Florencio for the sum of four hundred dollars, which sum he is not owing.

Fifteenth. I declare that as our laws order, that my executors shall dispose the security of the guardianship of the said minors, children of my daughter, María Concepcion.

Sixteenth. Of my estate I leave the sum of one hundred dollars for a frontal to the chapel of our Lord, which has to be made in this parish.

Seventeenth. There will appear in a small account book the names of the persons who owe me, which sums my executors will collect.

Eighteenth. I appoint as my executors testamentary of 196 this my last will in the first instance my son Florencio; in the second instance my son-in-law Don Juan Jose Serano, and

in the third instance Don Manuel Maria Grijalva, to whom jointly I give all my power and all the authority which in law may be necessary, in order that without any judicial intervention they may enter upon my estate after my death, and take cognizance of my effects, make inventory, and partition, and carry out the bequests, charities and donations which I have already expressed, until total conclusion by the terms of the law, and the additional time which may be necessary I amplify to them and concede, declaring that by the present document I annul, revoke, and invalidate whatever other testament or testaments, codicil or codicils, that may appear, in order that only this may have effect and be entitled to faith, as well in justice as outside of it, and all which it contains be held firm, as such is my will, last and ultimate will and disposition, which saves my conscience. I thus grant, citizens Joaquin Contreras, Jose Antonio Hugues, Juan de Dios Sinohui, Relles Contreras, and Juan Jose Contreras, all of this vicinity, being invited witnesses with whom I sign this twenty-sixth day of April eighteen hundred and thirty-six.

MARIA JOSEFA CORONADO.

JOAQUIN CONTRERAS.

JUAN DE DIOS SINOHUI.

JOSE ANTONIO HUGUES.

RELLES CONTRERAS.

It (the preceding) agrees with its original, which is to be found attached to the protocol of public instruments granted in this justice's court, from which it is extracted corrected, and compared on these three official leaves, according as their seal gives evidence. The witnesses at the comparison of the certificate or certified copy, were the two witnesses of assistants with whom I authenticated and authorized the same this twenty-sixth day of September, eighteen hundred and thirty-six.

I attest in testimony of the truth.

JOSE ROBLES.

Assisting witnesses:

JOSE PABLO KELLY AND

MANUEL FUSTEL. [THREE RUBRICS.]

E—P—justice of the peace—will—not valid—E—and ought—valid.

It (the preceding) agrees well and faithfully with the original copy of first draft, which was exhibited to me by the interested party, to whom it was returned on three official leaves, which was duly authenticated by the present certification: issued duly compared and corrected by the undersigned notary public, resident of this city, on these three official leaves of paper of common size, which carry on them the corresponding canceled stamps, according to law.

Mazatlan, February 23, 1877.

I attest.

[NOTARIAL SEAL.]

CIPRIANO PINA, N. P. N.

UNITED STATES CONSULATE,
MAZATLAN, February 24th, 1877.

I, E. G. Kelton, consul of the U. S. A. for the port of Mazatlan and the dependencies thereof, do hereby certify that the above signature of Cipriano Pina, a national notary public, duly appointed for this port of Mazatlan, is his true and genuine signature, made and acknowledged in my presence, and further certify that as such is entitled to full faith and credit.

198 In witness whereof I have hereunto set my hand and affixed the seal and affixed the seal of the consulate the day and year first above written.

[CONSULATE SEAL.]

E. G. KELTON,
U. S. Consul.

(Endorsed :) Exhibit C. Exhibit "2." Filed and recorded, at request of E. B. Perrin, October 8th, A. D. 1877, at 4 o'clock p. m., in Book of Miscellaneous Records, pages 481, 482, 483, 484, & 485. Sidney W. Carpenter, county recorder, Pima county.

(Endorsed :) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

199

OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of, on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

200

EXH. H 2.

A todos los hombres por estos presentes. Sabed :

Que, yo, Francisca Robles, viuda del finado Florencio Elias, de la vecindad de la Villa de Rayon, en el Estado de Sonora, Republica de Mexico, he nombrado, y por estos presentes nombre, á Don Domingo Elias Gonzalez, vecino de la Ciudad de Guaymas, en el Estado de Sonora, Republica de Mexico, mi apoderado, verdadero y legal, para que él pueda, para mí, y en mi nombre y lugar, vender y disponer de un cierto Rancho ó terreno, situado en el Condado de Pima, Territorio de Arizona, en los Estados Unidos de la America del Norte, el cual Rancho ó terreno, se conoce por el nombre de San Ygnacio del Bavocomari, y contiene ocho sitios de ganado mayor, mas ó menos, y siendo el mismo terreno, que fue concedido por el Gobierno de Mexico á Ygnacio Elias, y Eulalia Elias; la cual concesion se halla registrada en los archivos del Condado de Pima, en las paginas numeradas de 33 á 42, del Libro titulado "Land Grants Old Record Book No. 3"—tambien los Ranchos de San Pedro y la Cienega de Heredia, situados en el Territorio de Arizona, ó el Estado de Sonora.—Dichas ventas ó disposiciones han

de ser en tales terminos y con tales condiciones, como él, mi apoderado juzgue conveniente, y él, mi dicho apoderado, por este, está autorizado para recibir todo el dinero que toca á mi, en virtud de dichas ventas ó disposiciones, y para otorgar todas las escrituras de venta, ó otros instrumentos que juzgue necesarias en el asunto, y tambien, para representarme ante Cualquiera Gobernador, Juez ó Oficial, y ante cualquiera Tribunal de indicatura en cualquiera manera que él, mi dicho apoderado juzgue necesario, para poner en la persona ó personas ó cualesquier de ellas, á quienes mi dicho apoderado pueda vender dichos terrenos, ó sus representativos todo el titulo y derecho, que ahora tengo en dichos terrenos, y tambien el derecho que yo pueda adquirir en lo futuro en dichos terrenos, ó en alguna parte del mismo.

Dando you concediendo á mi dicho apoderado, poder y autoridad amplia, para hacer todas las actas y cosas requisitas y necesarias en la materia completamente con el mismo efecto, como yo pudiera hacer, si estuviera presente personalmente, con poder de sustitucion, por esto ratificando y confirmando todo lo que mi dicho apoderado ó sus sustitutos pueda hacer legalmente, ó mandar hacer en virtud de estos presentes.

En testimonio de lo cual, he puesto á esta escritura, mi firma y sello, en la Villa de Rayon, á los diez y nueve dias del mes de Julio del año mil ochocientos setenta y siete.

FRANCISCA ROBLES DE ELIAS.
Su × cruz.

Firmado, sellado y entregado en presencia de.

R. C. HOPKINS,
Como Testigo.

202 STATE OF CALIFORNIA, }
City and County of San Francisco. }

On this sixteenth day of August, A. D. 1877, before me, E. H. Tharp, a commissioner of deeds for the Territory of Arizona in and for the city and county of San Francisco, duly commissioned and sworn, personally appeared R. C. Hopkins, personally known to me to be the same person whose name is subscribed to the within and foregoing instrument as a witness thereto, who, being by me duly sworn, deposes and says that he resides in San Francisco, Cala.; that he was present and saw Francesca Robles de Elias, personally known to him to be the same person described in, whose name is subscribed to, and who executed the within and foregoing instrument as the party thereto, sign, seal, and deliver the same, and that the said Francesca Robles de Elias executed the same freely and voluntarily and for the uses and purposes therein mentioned, and that he, the deponent, thereupon signed his name as a subscribing witness thereto.

[SEAL.] Witness my hand and official seal this 16th day of August, A. D. 1877.

E. H. THARP,
Commissioner of Deeds for Arizona in California.

(Endorsed:) Exhibit H. Power of attorney. Exhibit "16."
Francisca Robles, widow, to Domingo Elias Gonzalez. Dated
203 July 19, 1877. Filed and recorded, at request of E. B. Perrin,
October 8th, A. D. 1877, at 4 o'clock p. m., in Book 1, Powers
of Attorney, page- 89, 90, 91, & 92. Sidney W. Carpenter, county
recorder, Pima county. Filed in the office of the clerk, court of
private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L.
Long, deputy.

[Endorsed:] Case No. 34. F. 8. Power of att'y. Filed Jan. 26,
1894. James H. Reeder, clerk, by R. L. Long, dep.

Know all men by these presents, that I, Francisca Robles, widow of Florencio Elias, deceased, of the town of Rayon, in the State of Sonora, Republic of Mexico, have appointed and by these presents do appoint, Mr. Domingo Elias Gonzalez, of the city of Guaymas, in the State of Sonora, Republic of Mexico, my true and lawful attorney for me and in my name and stead, and for my use to sell and dispose of that certain rancho or tract of land, situate in the county of Pima, Territory of Arizona, United States of North America ; which said rancho or tract of land, is known by the name San Ygnacio del Bavocomani, and comprises eight leagues of land for large cattle, more or less, and being the same tract of land which was granted by the government of Mexico to Ygnacio Elias and Eulalia Elias; the said grant being recorded in the recorder's office of Pima county, on pages numbered from 33 to 43, of book called " Land Grants Old Record Book No. 3." Also, the ranchos of San Pedro and la Cienega de Heredia, situate in the Territory of Arizona, or the State of Sonora. The sales or dispositions shall be made in such terms and under such conditions as he, my attorney, shall deem proper, and he, my said attorney, by these presents, is authorized to receive all moneys coming to me, by reason of such sales or dispositions so made, and to execute all deeds of conveyance or other written instruments which he may deem necessary in the premises; and also, to appear and represent me before any governor, judge or other officer, and before any judicial tribunal in any manner that he, my said attorney, shall deem necessary, and to give to any person or persons, to whom my said attorney may sell said lands, or to either of them or their representatives, all the 205 right and title which I now have in and to said lands, and also, the right which I may hereafter acquire in and to said lands, or to any portion thereof. Giving and granting unto my said attorney full power and authority to do and perform all things whatsoever requisite and necessary to be done in the premises, with the same force and effect as I might or could do if personally present, with full power of substitution, hereby *notifying* and confirming all that my said attorney or his substitute shall lawfully do, or cause to be done, by virtue of these presents.

In witness whereof, I have hereunto signed and sealed this written instrument in the town of Rayon, on the 19th day of July 1877.

FRANCISCA ROBLES x DE ELIAS.
her
mark.

Signed, sealed, and delivered in the presence of—
R. C. HOPKINS, *As a Witness.*

Here follows the affidavit of R. C. Hopkins, a witness to the execution of the original instrument, of which the foregoing is a translation.

(Endorsed :) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed :] Case No. 3½. F. 8. Exh. H. *Ex. H.* Power of att'y. Filed Jan. 26, 1894.

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OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, *January 8th, 1894.*

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of, on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

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EX. I.

This indenture made the 23rd day of July A.D. eighteen hundred and seventy-seven, between Jose de Jesus Maria Uriarte, bishop of Sonora, Republic of Mexico, by Domingo Elias Gonzalez his attorney-in-fact, Doña Jesus Elias de Serrano, by Domingo Elias Gonzalez her attorney-in-fact; Don Juan Jose Serrano, by Domingo Elias Gonzalez his attorney-in-fact; Doña Francisca Robles, widow of Don Florencio Elias deceased, by Domingo Elias Gonzalez her attorney-in-fact, Mariano Monreal by Domingo Elias Gonzalez his attorney-in-fact, Jesus Monreal by Domingo Elias Gonzalez her attorney-in-fact, Soledad Monreal by Domingo Elias Gonzalez her attorney-in-fact, Carmen Monreal by Domingo Elias Gonzalez her attorney-in-fact, and Altadgracia Monreal by Domingo Elias Gonzalez her attorney-in-fact, the parties of the first part, and Edward Burt Perrin of the city and county of San Francisco, State of California, the party of the second part, witnesseth, that the said parties of the first part for and in consideration of the sum of seven thousand five hundred dollars (\$7,500.00) in gold coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and convey unto the said party of the second part, and to his heirs and assigns forever, all that certain grant, rancho and tract of land situated in Pima county, Territory of Arizona, United States of America, and known as the rancho "San Ignacio del Bavarcomori" containing eight sitios of land more or less, and being the same lands granted by the government of Mexico to Ignacio Elias and Eulalia Elias, mention of the same being found in the records

of said Pima county on pages 33 to 42 inclusive, of the book entitled "Land Grants, Old Records, Book No. 3." Together with all 208 the rights which we or either of us may have now, or may hereafter acquire as heirs, legatees, vendees, assignees or otherwise in or to the said tract of land and grant under the said Ignacio Elias and Eula'ia Elias, or either of them. And the said parties of the first part hereby covenant and agree to and with the said party of the second part his heirs and assigns, that they have not made done committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof, the said premises, or any part or parcel thereof, now are, or at any time hereafter may or shall be impeached, charged or encumbered, in any manner or way whatever.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder, rents issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances unto the said party of the second part, his heirs and assigns forever.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

JOSE DE JESUS MARIA URIARTE, [SEAL.]

Bishop of Sonora,

By DOMINGO ELIAS GONZALEZ,

His Attorney-in-Fact.

JESUS ELIAS DE SERRANO, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

JUAN JOSE SERRANO, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

His Attorney-in-Fact.

FRANCISCA ROBLES, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

MARIANO MONREAL, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

His Attorney-in-Fact.

MA. JESUS MONREAL, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

SOLEDAD MONREAL, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

CARMEN MONREAL, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

ALTAGRACIA MONREAL, [SEAL.]

By DOMINGO ELIAS GONZALEZ,

Her Attorney-in-Fact.

Signed, sealed and delivered in the presence of—

DANIEL TURNER.

CONSULATE OF THE UNITED STATES OF AMERICA
AT GUAYMAS, MEXICO, September eighth, 1877.

On this eighth day of September, A. D. 1877, before me, A. Willard, consul of the United States of America at Guaymas, Mexico, appointed to reside therein, personally appeared Domingo Elias Gonzalez, personally known to me to be the same person described in and who executed by powers of attorney the foregoing instrument as the attorney-in-fact of Jose de Jesus Maria Uriarte, bishop of Sonora; Jesus Elias de Serrano, Juan Jose Serrano, Francisca Robles, Mariano Monreal, Jesus Monreal, Soledad Monreal, Carmen Monreal, and Altagracia Monreal, named in said instrument as the parties thereto and therein described as the parties executing the same by their said attorney-in-fact, and the said Domingo Elias Gonzalez acknowledged to me that he subscribed the names of Jose de Jesus Maria Uriarte, bishop of Sonora; Jesus Elias de Serrano, Juan Jose Serrano, Francisca Robles, Mariano Monreal, Jesus Monreal, Soledad Monreal, Carmen Monreal, and Altagracia Monreal thereto as principals and his own name as attorney-in-fact, and executed said deed freely and voluntarily as and for the act and deed of the said Jose de Jesus Maria Uriarte, bishop of Sonora; Jesus Elias de Serrano, Juan Jose Serrano, Francisca Robles, Mariana Monreal, Jesus Monreal, Soledad Monreal, Carmen Monreal, and Altagracia Monreal, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed the official seal of the consulate of the United States, at Guaymas, Mexico, this eighth day of September, A. D. 1877.

A. WILLARD,

[SEAL.]

*Consul of the United States at Guaymas,
Mexico, Appointed to Reside Therein.*

(Endorsed:) Exhibit K. Exhibit "18." Deed. Jose de Jesus Maria Uriarte, bishop of Sonora, and others to Edward Burt Perrin. Dated July 23rd, 1877. Filed and recorded, at request of E. B. Perrin, October 8th, A. D. 1877, at 4 o'clock p. m., in Book 4 of Deeds, pages 112, 113, 114, & 115. Sidney W. Carpenter, county recorder, Pima county. Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed]: Case 3 $\frac{1}{2}$. F.9. Exh. I. Deed. Uriarte *et al*s to E. B. Perrin. Filed Jan. 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

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OFFICE OF SURVEYOR GENERAL,
TUCSON, ARIZONA, January 8th, 1894.

I hereby certify that the paper attached hereto is a correct copy of the paper it purports to be a transcript of, on file in this office.

[Seal U. S. Surveyor General's Office, District of Arizona.]

LEVI H. MANNING,
U. S. Surveyor General, District of Arizona.

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Ex. J.

Warranty Deed.

This indenture, made the twenty-third day of June in the year one thousand eight hundred and eighty-one, between Edward B. Perrin, of the city of San Francisco, State of California, party of the first part, and Robert Perrin of the same place, party of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of sixteen thousand dollars lawful money of the United States of America to him in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm, unto the said party of the second part, and to his heirs and assigns forever, all that tract and body of land situate in Pima and Cochise counties in the Territory of Arizona, on Bavacomeri creek containing eight (8) leagues, more or less, and known as Bavacomeri grant said tract having been sold to the said party of the first part by G. H. Howard, McGary, Ainsa and others, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof, and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of said part of the first part, of, in, or to the above-described premises, and every part and parcel thereof, with the appurtenances. To have and to hold all and singular the above mentioned and described premises, together with the appurtenances,

unto the said party of the second part, his heirs and assigns,
213 forever, and the said Edward B. Perrin, his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, his heirs, and against all and every person whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, the said party of the first part hath hereunto set his hand and seal the day and year first above written.

E. B. PERRIN. [SEAL.]

Sealed and delivered in the presence of—
CHARLES EDGAR MILLS.

STATE OF NEW YORK, }
City and County of New York, }^{ss:}

Be it remembered that on this 23rd day of June, A. D. 1881, before me, Charles Edgar Mills, a commissioner of the Territory of Arizona in and for the State of New York residing in said city of New York, personally appeared Edward B. Perrin, personally known

to me to be the same person described in and who executed the foregoing instrument as party thereto, who acknowledged to me that he had executed the same freely and voluntarily for the uses and purposes therein mentioned, and that the same was his free and voluntary act and deed.

In witness whereof I have hereunto set my hand and affixed my official seal this 23rd day of June, A. D. 1881.

CHARLES EDGAR MILES, [SEAL.]
*Commissioner for Arizona Territory in
 New York, 117 Broadway, New York.*

214 (Endorsement:) Exhibit 23. Edward B. Perrin to Robert Perrin. Deed. Dated —, 18—. Recorder's office, Tucson, Pima Co., A. T. Filed and recorded, at request of E. B. Perrine, June 30th, A. D. 1881, at 7 a. m., Book 10, Deeds R. E., pages 428 and 429. Charles R. Drake, county recorder. Recorder's office, Tombstone, Cochise county, A. T. Filed and recorded, at request of C. R. Drake, July 11th, A. D. 1881, at 9 a. m., Book 1, Deed R. E., pages 536 *et seq.* A. T. Jones, county recorder.

(Endorsed:) Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed:] Case 3½. F. 10. Exh. J. Deed. E. B. Perrin to Robert Perrin. Filed Jan. 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

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DEF'TS' EX. K.

In the Probate Court of the County of Pima, Territory of Arizona.

In the Matter of the Estate of FRANK ELY, Deceased.

TERRITORY OF ARIZONA, }
 County of Pima, }
 { 88:

I, John S. Wood, probate judge of the county of Pima, Territory of Arizona, and *ex officio* clerk of the probate court of said county, do hereby certify that Santiago Ainsa was on the 23rd day of November, 1891, duly appointed by the said probate court of Pima county administrator, with will annexed, of the estate of Frank Ely, deceased; that he duly qualified as such, and that on said day letters of administration, with will annexed, were duly issued to him as administrator of said estate of Frank Ely, deceased, and that said letters have not been revoked, and that said Santiago Ainsa is now the duly acting and qualified administrator of said estate.

In witness whereof I have hereunto set my hand and the seal of said probate court this 18th day of February, A. D. 1892.

[SEAL.]

JOHN S. WOOD,
Judge and ex Officio Clerk.

Filed in the office of the clerk, court of private land claims, Jan. 26, 1894.

JAS. H. REEDER, *Clerk,*
 By R. L. LONG, *Deputy.*

EXHIBIT L.

In the United States Court of Private Land Claims.

PERRIN, Plaintiff,
vs.
THE UNITED STATES *et al.*, Defendants. }

Copy of entry in book of Toma de Razon in office of the treasurer general of the State of Sonora, at Hermosillo, Sonora, Mexico.

"En el mismo dia se entrego tambien de gratis al ciudadano merced que con fecha 25 de Diciembre de 1832, se espidio a favor de dichos interesados de ocho sitios de tierras para eria de ganado mayor y caballada que comprende el puesto nombrado San Ygnacio del Babacomari, sito en el jurisdiction de Santa Cruz.

MENDOZA."

Translation of above.

"On the same day there was delivered, also without charge to the citizen, title, under date of December 25, 1832, issued in favor of the said interested parties, of eight sitios of land for raising cattle and horses, which comprise the place named San Ygnacio del Babacomari, situated in the jurisdiction of the presidio of Santa Cruz.

MENDOZA."

(Endorsed :) Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed :] No. 3 $\frac{1}{2}$. Exhib. L. In the court of private land claims. F. 12. Perrin, plaintiff, vs. The United States *et al.*, defendants. Copy of entry and translation thereof in book of Toma de Razon, San Ignacio del Babacomari grant. Filed Jan. 26, 1894. S. M. Franklin, Rochester Ford, att'ys for Ainsa, adm'r, etc.

EXHIBIT "M."

Deraignment of Title of Santiago Ainsa, Administrator, etc., to San Ignacio del Babacomari Grant.

I.

Said grant was made by the government of Mexico in 1832 to Ygnacio Elias and Eulalia Elias, his sister.

II.

That said Eulalia Elias died unmarried, leaving three brothers, to wit, Ygnacio, Juan, and Rafael Elias.

That said Juan Elias was a priest and died without issue.

That said Rafael Elias died, leaving three sons, Jose Maria, Manuel,

and Jose Juan; that the son Jose Juan died about 1864, leaving a widow and the following children: Plutarco, Rafael, Alejandro, Carlos, Manuel, Jesus, and Dolores.

Santiago Ainsa, *ad administrator, etc.*, claims by mesne conveyances (which are on file in this court) all the interest of the said Jose Maria, Manuel Elias, and the said heirs of Jose Juan Elias.

That said Ygnacio Elias married Josefa Cornado. Both died, leaving the following children: Florencio, Jesus, and Concepcion; that said Jesus married Juan Jose Serrano; that said Concepcion married Mariano Varela; that said Concepcion and her husband are dead; that they left two children, Angel and Elena Varela.

Santiago Ainsa, *ad administrator, etc.*, claims by mesne conveyances (which are on file in this court) from Jesus Serrano and Angel and Elena Varela.

III.

List of Deeds Filed.

1. Deed from Manuel Elias, Jose Maria Elias, and Santiago Ainsa to S. M. Franklin, dated Dec. 24, 1886.
2. Deed from S. M. Franklin to Robert C. Ely, dated January 3, 1887.
- 218 3. Deed from Rafael, Carlos, and Manuel Elias to Robert C. Ely, dated Feb. 3, 1887.
4. Deed from Plutarco, Alejandro, and Dolores Elias to Frank Ely, dated Feb. 8, 1887.
5. Deed from Jesus Elias de Maytorona and her husband to Robert C. Ely, dated Feb. 8, 1887.
6. Robert C. Ely and wife to Frank Ely, for himself and as trustee, dated July 30, 1887.
7. Deed from Angel Varela and Elena Varela to Harvey L. Christie, dated April 2, 1888.
8. Deed from Jesus E. de Serrano to Harvey L. Christie, dated April 23, 1888.
9. Deed from Harvey L. Christie and wife to Santiago Ainsa, trustee, dated January 24, 1893.
10. Appointment of Santiago Ainsa as administrator, with will annexed, of Frank Ely, deceased.

Attorneys for Santiago Ainsa, Administrator and Trustee.

(Endorsed:) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

This indenture, made the 24th day of December, in the year of our Lord one thousand eight hundred and eighty-six—

Between Santiago Ainsa, of Pima county, Arizona Territory and Jose Ma. Elias and Manuel Elias, of the State of Sonora, Republic

of Mexico, parties of the first part and S. M. Franklin of said Pima county, Territory of Arizona, party of the second part witnesseth: That the said parties of the first part for and in consideration of the sum of six hundred $\frac{1}{10}$ (\$600.00) dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all their right, title and interest in and to all lands and real property, owned by them or either of them situate and being in the counties of Pima and Cochise, or in either of said counties, in the Territory of Arizona, United States of America, and all estates and interests therein.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

In witness whereof, the said parties of the first part, have hereunto set their hands and seals the day and year first above written.

SANTIAGO AINSA.	[SEAL.]
JOSE MA. ELIAS.	[SEAL.]
MANUEL ELIAS.	[SEAL.]

Signed, sealed and delivered in the presence of—
E. F. ROGERS.

220 TERRITORY OF ARIZONA, }
County of Cochise, } ss:

On this 24th day of December, 1886, personally appeared before me, Joseph S. Mills, justice of the peace, at Fairbank, Cochise county, in and for the said county of Cochise, Santiago Ainsa, Jose Ma. Elias, and Manuel Elias, known to me to be the persons described in and who executed the foregoing instrument, and who acknowledged to me that they and each of them executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

JOSEPH S. MILLS,
Justice of the Peace, Township No. 1, Cochise Co., A. T.

(Endorsed:) Recorded, at the request of Wells-Fargo's Ex., dated December 27th, 1886, at 10 minutes past 11 o'clock a. m., in Book 9 of Deeds, page 148, records of the county of Cochise, A. T. A. F. Jones, county recorder, by W. F. Bradley, deputy recorder.

(Endorsed:) Territory of Arizona, county of Pima, ss: I herewith certify that the within instrument was filed and recorded, at the request of Jeffords and Franklin, 13th October, A. D. 1888, at 1.15 p. m., in Book 15, Deeds of Real Estate, at pages 266 & 267. Witness

my hand and official seal the day and year aforesaid. A. B. Sampson, county recorder. (Seal.)

Endorsed: Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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EXHIBIT O.

This indenture, made the third day of January in the year of our Lord one thousand eight hundred and eighty-seven—

Between S. M. Franklin of the city of Tucson, county of Pima, Territory of Arizona, party of the first part and Robert C. Ely, of Carrollton, Carroll county, State of Missouri, party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of one dollar (and other good and valuable considerations, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all his right, title and interest in and to all the lands and real property situate and being in the counties of Pima and Cochise, or in either of said counties, in the Territory of Arizona, and which were, on the 24th day of December, 1886, conveyed by deed of Santiago Ainsa, Jose Ma. Elias and Manuel Elias, to said party of the first part, which said deed is of record in the office of the county recorder of Cochise county in Book 9 of Deeds page 148, and reference to which is hereby made.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

222 In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

S. M. FRANKLIN. [SEAL.]

Signed, sealed, and delivered in the presence of—
_____.
_____.
_____.
_____.

TERRITORY OF ARIZONA, }
County of Pima, }
} ss:

On this 26th day of February, in the year one thousand eight hundred and eighty-seven, before me, A. M. Franklin, a notary public in and for said county of Pima, personally appeared S. M. Franklin, personally known to me to be the same person described in and whose name is subscribed to the within instrument and who executed the same, and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. M. FRANKLIN,
Notary Public, Pima County, Arizona Territory.

(Endorsed:) Territory of Arizona, county of Pima, ss: I hereby certify that the within instrument was filed and recorded, at the request of Jeffords and Franklin, 13 October, A. D. 1888, at 1.15 p. m., in Book 14, Deeds of Real Estate, at pages 722 & 723. Witness my hand and official seal the day and year aforesaid. (Seal.) A. B. Sampson, county recorder.

(Endorsed:) Filed and recorded, at request of S. M. Franklin, March 1st, A. D. 1887, at 10.30 a. m., Book 8, Deeds of Real Estate, pages 571 & 572. W. F. Bradley, county recorder.

(Endorsed:) Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

This indenture, made the third day of February, in the year of our Lord one thousand eight hundred and eighty-seven, between Rafael Elias, Carlos Elias and Manuel Elias, of San Pedro, State of Sonora, Republic of Mexico, parties of the first part, and Robert C. Ely of Carrollton, Carroll county, State of Missouri, United States of America party of the second part, witnesseth: That the said parties of the first part for and in consideration of the sum of one thousand and seventy-one $\frac{45}{100}$ (\$1,071.45) dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain sell and convey unto the said party of the second part, and to his heirs and assigns forever all their right, title and interest in and to that portion of that certain private land claim and Mexican land grant, situate lying and being in the county of Cochise, Territory of Arizona, United States of America and known and called the rancho Raydenibacachi, Agua Prieta y Santa Barbara, being the same Mexican land grant heretofore and on the 28th day of December 1836, made and granted by the State of Sonora, Republic of Mexico to Juan, Rafael and Ygnacio Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Arizona Territory, in Book 1 of Deeds, pages 125 to 138, both pages inclusive, reference to which said record is hereby made for a more full and complete description; the land embraced within the boundaries of said grant are situated and being partly in the county of Cochise, Territory of Arizona, and partly in the State of Sonora, Republic of Mexico, and it is the true intent and meaning of this deed to convey only that portion of said lands embraced within said grant as are situate in the said Territory of Arizona.

224 Also all their right, title and interest in and to that certain private land claim and Mexican land grant, situate lying and being in the county of Cochise, Territory of Arizona, United

States of America, and known and called the Rancho San Rafael del Valle, being the same Mexican land grant heretofore and on the 25th of December, 1832, made and granted by the State of Sonora, Republic of Mexico to Rafael Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Territory of Arizona, in Book 1 of Deeds pages 116 to 124, both pages inclusive, reference to which said record is hereby made for a more full and complete description.

Also all their right title and interest in and to all lands and real property, owned by them or either of them, situate and being in the counties of Pima and Cochise, *on* in either of said counties, in the Territory of Arizona, United States of America and all estates and interest therein.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto, the said party of the second part, and to his heirs and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

RAFAEL ELIAS.	[SEAL.]
CARLOS ELIAS.	[SEAL.]
MANUEL ELIAS.	[SEAL.]

Signed, sealed and delivered in the presence of—

A. M. FRANKLIN.

225 TERRITORY OF ARIZONA, }
 County of Pima, }
 } *ss:*

On this third day of February, 1887, personally appeared before me, A. M. Franklin, a notary public in and for the said county of Pima, Rafael Elias, Carlos Elias, and Manuel Elias, known to me to be the persons described in and who executed the foregoing instrument, and who acknowledged to me that they and each of them and all of them executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. M. FRANKLIN, [SEAL.]	Notary Public, Pima County, Ariz.
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(Endorsed:) Filed and recorded, at request of Wells, Fargo & Co., February 24th, A. D. 1887, at 3:30 p. m., Book 8, Deeds of Real Estate, pages 563, 564, & 565. W. F. Bradley, county recorder. Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

This indenture, made the eighth day of February, in the year of our Lord one thousand eight hundred and eighty-seven, between Plutarco Elias, Alejandro Elias and Dolores Elias, of the city of Guaymas, State of Sonora Republic of Mexico parties of the first part, and Robert C. Ely of Carrollton, Carroll county, State of Missouri, United States of America party of the second part witnesseth, that the said parties of the first part, for and in consideration of the sum of one thousand and seventy-one $\frac{4}{5}$ (\$1,071.45) dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever all their right, title and interest in and to that portion of that certain private land claim and Mexican land grant situate lying and being in the county of Cochise, Territory of Arizona, United States of America, and known and called the Rancho Naydenibacachi, Agua Prieta, y Santa Barbara, being the same Mexican land grant heretofore, and on the 28th day of December, 1836, made and granted by the State of Sonora, Republic of Mexico to Juan, Rafael and Ygnacio Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Arizona Territory, in Book 1 of Deeds, pages 125 to 138, both inclusive, reference to which said record is hereby made for a more full and complete description; that the lands embraced within the boundaries of said grant are situate and being partly in the county of Cochise, Territory of Arizona and partly in the said State of Sonora, Republic of Mexico, and it is the true intent and meaning of this deed to convey only that portion of said lands embraced within said grant as are situate and being in said Territory of Arizona.

227 Also, all their right, title and interest in and to that certain private land claim and Mexican land grant, situate, lying and being in the county of Cochise, Territory of Arizona, United States of America, and known and called the Rancho San Rafael del Valle, being the same Mexican land grant heretofore and on the 25th day of December, 1832, made and granted by the State of Sonora, Republic of Mexico, to Rafael Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Arizona Territory, in Book 1 of Deeds, pages 116 to 124, both pages inclusive, reference to which said record is hereby made for a more full and complete description.

Also all their right, title and interest in and to all land and real property, owned by them or either of them, situate and being in the counties of Pima and Cochise, or in either of said counties in the Territory of Arizona, United States of America, and all estates and interests therein.

Together with all and singular the tenements, hereditaments and

appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

DOLORES ELIAS.	[SEAL.]
P. ELIAS.	[SEAL.]
ALEJ. ELIAS.	[SEAL.]

Signed, sealed, and delivered in the presence of—

M. G. ROMERO.
NIEVES E. AROSCO.

228 REPUBLIC OF MEXICO, }
 State of Sonora, City of Guaymas, }
 ^{ss:}

On this eighth day of February, 1887, personally appeared before me, A. Willard, consul of the United States of America at Guaymas, State of Sonora, Republic of Mexico, Plutarco Elias, Alejandro Elias, and Dolores Elias, known to me to be the persons described in and who executed the foregoing instrument, and who acknowledged to me that they and each of them executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. WILLARD.
[SEAL.] *Consul of the U. S. of America at Guaymas,
State of Sonora, Republic of Mexico.*

(Endorsed:) Filed and recorded, at request of Wells, Fargo & Co., February 24th, A. D. 1887, at 3.30 p. m., Book 8, Deeds of Real Estate, pages 565, 566, 567, & 568. W. F. Bradley, county recorder.

(Endorsed:) Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

This indenture, made the eighth day of *Febrero* in the year of our Lord one thousand eight hundred and eighty-seven between Jesus Elias de Maytorena and Jose M. G. Maytorena, her husband, both of Guaymas, State of Sonora, Republic of Mexico, parties of the first part, and Robert C. Ely of Carrollton Carroll county, State of Missouri, United States of America, party of the second part, witnesseth: That the said parties of the first part for and in consideration of the sum of three hundred and fifty-seven $\frac{1}{6}$ (\$357.15) dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell

and convey unto said party of the second part, and to his hers and assigns forever, all their right title and interest in and to that portion of that certain private land claim and Mexican land grant situate lying and being in the county of Cochise, Territory of Arizona, United States of America, and known and called the Rancho Neydenibacachi, Agua Prieta y Santa Barbara, being the same Mexican land grant heretofore, and on the 28th day of December, 1836, made and granted by the State of Sonora, Republic of Mexico, to Juan, Rafael and Ygnacio Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Arizona Territory, in Book 1 of Deeds pages 125 to 138 both inclusive reference to which record is hereby made for a more full and complete description; that the lands embraced within the boundaries of said grant are situated and being partly in the county of Cochise, Territory of Arizona and partly in the said State of Sonora, Republic of Mexico, and it is the true intent and meaning of this deed to convey only that portion of said lands embraced within said grant as are situate and being in said Territory of Arizona.

230 Also, all their right, title and interest in and to that certain private land claim and Mexican land grant, situate, lying and being in the county of Cochise, Territory of Arizona, United States of America, and known and called the rancho San Rafael del Valle, being the same Mexican land grant heretofore and on the 25th day of December, 1832, made and granted by the State of Sonora, Republic of Mexico to Rafael Elias Gonzales, a copy of the expediente of which said grant is of record in the office of the county recorder of Pima county, Arizona Territory, in Book 1 of Deeds pages 116 to 124, both pages inclusive, reference to which said record is hereby made for a more full and complete description.

Also, all their right, title and interest in and to all lands and real property, owned by them or either of them, situate and being in the counties of Pima or Cochise or in either of said counties in the Territory of Arizona, United States of America and all estates and interests therein.

Together with all and singular the tenements, hereditaments and appurtenances thereunto, or in anywise appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

In witness whereof, the said parties of the first part, have hereunto set their hands and seals the day and year first above written.

JESUS E. DE MAYTORENA. [SEAL.]
J. M. G. MAYTORENA. [SEAL.]

Signed, sealed, and delivered in the presence of—

M. C. MORENO.

LEWIS E. AEASTE.

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REPUBLIC OF MEXICO,
State of Sonora, City of Guaymas, ¹⁸⁸⁸ :

On this eighth (8) day of February, A. D. one thousand eight hundred and eighty-seven, personally appeared before me, A. Willard, United States consul at Guaymas, Republic of Mexico, Jose M. Maytoreno and Jesus Elias de Maytorena, his wife, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the same persons described to the annexed instrument as parties thereto, who, each of them, acknowledged to me that they, each of them, respectively, executed the same freely and voluntarily and for the uses and purposes therein mentioned; and the said Jesus Elias Maytorena, wife of the said Jose M. Maytorena, being personally known to me to be the person whose name is subscribed to the annexed instrument as a party thereto, was by me first made acquainted with the contents of the said instrument, and thereupon she acknowledged to me, on examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion or undue influence of her husband, and that she does not wish to retract the execution of the same.

In witness whereof I have hereunto set my hand and affixed my official seal, at my office at Guaymas, the day and year in this certificate first above written.

A. WILLARD,

[SEAL.] *United States Consul at Guaymas, Republic of Mexico.*

(Endorsed:) Filed and recorded, at request of Wells, Fargo & Co., February 24th, A. D. 1887, at 3:30 p. m., Book 8, Deeds of Real Estate, pages 568, 569, & 570. W. F. Bradley, county recorder.

Endorsed: Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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EXHIBIT S.

Know all men by these presents that Robert C. Ely and Clara Ely, his wife, of Carrollton, Carroll county, State of Missouri, party of the first part, for and in consideration of the sum of ten dollars, cash in hand to us this day paid by Frank Ely of the city of Saint Louis, State of Missouri, party of the second part, the receipt whereof is hereby acknowledged, and in consideration of the performance by the said party of the second part of certain conditions and trusts to be hereafter set forth and fully stated in a declaration of trust to be made and executed by the said party of the second part, have granted bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, an undivided five forty-eighths interest to himself and his heirs forever of all our right, title and interest of every nature, kind, character and description whatsoever either at law or in equity in and to all the following-described lands lying, being and situate in the counties of Pima and Cochise, or in either of said counties, Terri-

tory of Arizona, being all of the lands, estate, interests and property acquired by said parties of the first part by direct or mesne conveyances from Santiago Ainsa, Jose Ma. Elias, Manuel Elias, Jesus Elias de Maytorena and Jesus M. Maytorena, Plutarco Elias, Alexandro Elias, Dolores Elias, Rafael Elias, Carlos Elias and Manuel Elias in the year 1887.

And we also have granted, bargained, sold and conveyed and by these presents do hereby grant, bargain, sell and convey unto the said party of the second part all of the balance and residue of our right, title and interest in and to all of the above-described land, as trustee. The said party of the second part as trustee, is to bring and institute and prosecute to final judgment all necessary suits or

actions at law or in equity for the purpose of recovering all
233 of the said land and property from any and all persons now

in possession of said land and property or any part thereof, and to institute and prosecute to final judgment all necessary suits or actions at law or equity as may be required against each and every parson whomsoever who may claim or assert any right, title or interest of any nature or character whatsoever in or to any of the above-described lands or property (except the persons named as the cestui que trusts under that certain declaration of trust to be made and executed by the party of the second part, as trustee), and in the event that the said party of the second part, trustee, shall fail, neglect or refuse to make and execute the declaration of trust herein provided for, or shall fail or refuse or for any cause be unable to fully carry out and perform the conditions and provisions set forth in this deed and in the declaration of trust to be made and executed in connection with this deed, then Rochester Ford, of the city of St. Louis, and State of Missouri may be and is hereby fully authorized to designate in writing some other person to act as trustee in the premises; such other person when so appointed as trustee shall have all rights, power and authority hereby granted and conferred upon the party of the second part as trustee.

To have and to hold an undivided five forty-eighths interest in and to the above granted and conveyed premises, lands, and property unto the said party of the second part, his heirs and assigns forever, and to have and to hold the balance and residue of the above granted and conveyed premises, lands and property unto the said party of the second part as trustee, his successors or assigns forever.

Together with all and singular the improvements, appurtenances, and the hereditaments thereunto belonging or in anywise ap-
234 pertaining, upon the terms and conditions expressed in
this *in this* instrument and for the purposes set forth in the declaration of trust herein provided for.

And the said Clara Ely, wife of the said Robert C. Ely, does hereby bar her right of dower to all of the lands, property and premises herein mentioned and described, and by these presents doth relinquish, release, remise and quitclaim unto and in favor of the said party of the second part, for himself and to him as trustee, all right, claim, title or interest by way of dower or otherwise, which

she, the said Clara Ely, may have in or to any of the above-described lands, property and premises.

In witness whereof the said parties of the first part have hereunto set their hands and seals this 30th day of July in the year of our Lord one thousand eight hundred and eighty-seven.

ROB'T C. ELY. [SEAL.]
CLARA A. ELY. [SEAL.]

I hereby accept this trust.
FRANK ELY, *Trustee.*

STATE OF MISSOURI, } ss :
County of Carroll, }

On this 30th day of July, in the year one thousand eight hundred and eighty-seven, before me, Jas. F. Tull, a notary public in and for the said county of Carroll, personally appeared before me Robert C. Ely, personally known to me to be the person who is described in and whose name is subscribed to the within instrument and who executed the same, and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Also, at the same time and place, appeared before me Clara Ely, wife of said Robert C. Ely, known to me to be the person described in and whose name is subscribed to the within instrument, described as a married woman, and upon examination without the hearing of her husband I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned, without fear or compulsion or undue influence of her husband, and that she does not wish to retract such execution.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.]

JAS. F. TULL.

My com. ex. Jan'y 17th, 1891.

235 (Endorsed :) Filed and recorded, at request of Wells-Fargo's express, October 25th, A. D. 1887, at 9 a. m., Book 10, Deeds of Real Estate, pages 64, 65, 66, & 67. W. F. Bradley, county recorder.

TERRITORY OF ARIZONA, } ss :
County of Pima, }

I hereby certify that the within instrument was filed and recorded at the request of Jeffords and Franklin, 13th October, A. D. 1888, at 1.15 p. m., in Book 14, Deeds of Real Estate, at pages 723 to 726, incl.

Witness my hand and official seal the day and year aforesaid.

A. B. SAMPSON,
County Recorder.

(Endorsed:) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

EXHIBIT T.

This indenture, made the second day of April, in the year of our Lord one thousand eight hundred and eighty-eight—

Between Angel H. Varela and Elena Varela, both of Magdalena, Sonora, Mexico, the parties of the first part, and Harvey L. Christie of the city of St. Louis, State of Missouri, United States of America the party of the second part, witnesseth: That the said parties of the first part for and in consideration of the sum of ten dollars, lawful money of the United States to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever one undivided half ($\frac{1}{2}$) of all their right, title and interest in and to *that* certain pieces or parcels of land situate in the county of Cochise, Territory of Arizona, United States of America, known as the Rancho "Nuestra Senora del Carmen" being the same lands which were granted by the State of Sonora and Republic of Mexico to Don Ygnacio Elias Gonzales on the 15th day of November, A. D. 1824, as appears by the title deeds on record in the office of the treasurer general of the State of Sonora.

Also, one undivided half ($\frac{1}{2}$) interesy in and to all other lands and estates in lands which the parties of the first part have in the Territory of Arizona, U. S. of America.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

237 In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

A. F. VARELA [SEAL]
ELENA VARELA. [SEAL]

Signed, sealed, and delivered in the presence of—

JUAN BOJORQUES.

D. J. CUMMING.

TERRITORY OF ARIZONA, } ss:
County of Pima,

Before me, D. J. Cumming, a notary public in and for said county of Pima, on this day personally appeared Angel H. Varela and Elena Varela, known to me to be the same persons whose names are

subscribed to the annexed instrument, and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 3 day of April, A. D. 1888.

[SEAL.]

D. J. CUMMING,
Notary Public.

(Endorsed:) Filed and recorded, at request of Wells-Fargo Ex., February 1st, A. D. 1889, at 1 p. m., Book 10, Deeds of Real Estate, pages 331 & 332. (Seal.) W. F. Bradley, county recorder.

[Endorsed:] Filed in the office of the clerk, court of private land claims, Jan. 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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EXHIBIT U.

This indenture, made the 23d day of April, in the year of our Lord one thousand eight hundred and eighty-eight between Jesus E. de Serrano, of Hermosillo, Sonora, Mexico, the party of the first part and Harvey L. Christie of the city of Saint Louis, State of Missouri, United States of America the party of the second part, witnesseth: That the said party of the first part for and in consideration of the sum of one dollar, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, one undivided half ($\frac{1}{2}$) of all her right, title and interest in and to that certain piece or parcel of land situated in the county of Cochise, Territory of Arizona, United States of America, known as the Rancho Nuestra Senora del Carmen, being the same lands which were granted by the State of Sonora and Republic of Mexico to Don Ygnacio Elias Gonzales, on the 15th day of November, A. D. 1824, as appears by the title deeds on record in the office of the treasurer general of the State of Sonora; also one undivided half ($\frac{1}{2}$) interest in and to all other lands and estate in lands which the party of the first part has in the Territory of Arizona, United States of America.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular, the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set her hands and seal the day and year first above written.

JESUS E. DE SERRANO. [SEAL.]

Signed, sealed, and delivered in the presence of—

DOLORES SERRANO.

JESUS SERRANO.

REPUBLICA MEXICANA,
Estado de Sonora, Distrito de Hermosillo, }^{ss:}

Ante mi, Matias Moran, notario publico, en el distrito de Hermosillo, hoy dia vientesiete de Abril de 1888, comparacio la Sra. Jesus E. de Serrano, a quien conosco ser la misma persona, cuyo nombre esta suscrito al calce del antecedente documento, y me declaro que habia otorgado el mismo para los fines y por la consideracion que en el se expresa.

Dado bajo mi firma y sello official el dia 27 de Abril, 1888.

MATIAS MORAN.

E. P.

[SEAL.]

(Stamped.)

N.

(Endorsed:) Filed and recorded, at request of Wells-Fargo ex., February 1st, A. D. 1889, at 1 p. m., Book 10, Deeds of Real Estate, pages 331 & 332. W. F. Bradley, county recorder.

[Endorsed:] Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

This indenture, made this twenty-fourth day of January in the year of our Lord one thousand eight hundred and ninety-three between Harvey L. Christie and Addie L. Christie, his wife, both of the city of St. Louis, in the State of Missouri, the parties of the first part, and Santiago Ainsa, as trustee, of the city of Tucson, county of Pima, Territory of Arizona, the party of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of ten dollars, and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, as trustee, and to his heirs and assigns forever, all those certain lots and parcels of land situate, lying and being in the county of Cochise or in county of Pima, or in either or both said counties in the Territory of Arizona, and bounded and particularly described as follows to wit: all their right, title and interest in the Mexican land grant known and called the Rancho Naydenibacachia, Agua Prieta y Santa Barbara; a copy of the expediente or title to said grant being of record in the office of the county recorder of said Pima county, in Book 1 of Deeds, pages 125 to 138, both inclusive, reference to which said record is hereby made for a more full and complete description.

Also, all their right, title and interest in and to all the lands, estates and premises mentioned and described in those two certain deeds, one dated April 2, 1888, made and executed by Angel H. Varela and Elena Varela unto Harvey L. Christie; the other dated April 23, 1888, made and executed by Jesus E. de Serano unto said Harvey L. Christie, said deeds being of record in the office of the

241 county recorder of said Cochise county in Book 10 of Deeds
of Real Estate, on pages 330, 331, 332, reference to which rec-
ords is hereby made.

Together, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the said premises together with the appurtenances, unto the said party of the second part, as trustee, his heirs and assigns forever, and the said Addie L. Christie, wife of Harvey L. Christie, hereby forever bar her dower interest or estate in & to the above-mentioned lands & premises.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

HARVEY L. CHRISTIE. [SEAL.]
ADDIE L. CHRISTIE. [SEAL.]

Signed, sealed and delivered in the presence of—
_____.
_____.
_____.

STATE OF MISSOURI, }
City of St. Louis, } ss:

Before me, Isaac H. Orr, a notary public in and for said city of St. Louis, State of Missouri, on this day personally appeared Harvey L. Christie and Addie L. Christie, known to me to be the same persons whose names are subscribed to the annexed instrument, and severally acknowledged to me that they executed the same for the purposes and consideration therein expressed.

And the said Addie L. Christie, wife of the said Harvey L. Christie, having been examined by me privily and apart from her husband and having the same fully explained to her, she, the said Addie L. Christie, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this 28th day of January,
A. D. 1893.

My commission expires January 30, 1894.

[SEAL.] ISAAC H. ORR,
Notary Public, City St. Louis, State of Missouri.

(Endorsed:) Filed and recorded, at request of S. M. Franklin, February 6th, A. D. 1893, at 9 a. m., Book 11, Deeds of R. E., pages 610 & 611. A. Wentworth, county recorder.

Endorsed: Filed Jan. 26, 1894. James H. Reeder, clerk, by R. L. Long, dep.

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EXHIBIT W.

In the Probate Court of the County of Pima, Territory of Arizona,

In the Matter of the Estate of FRANK ELY, Deceased.

TERRITORY OF ARIZONA, }
County of Pima, }^{ss}:

I, John S. Wood, probate judge of the county of Pima, Territory of Arizona, and *ex officio* clerk of the probate court of said county, do hereby certify that Santiago Ainsa was on the 23rd day of November, 1891, duly appointed by the said probate court of Pima county administrator, with will annexed, of the estate of Frank Ely, deceased; that he duly qualified as such, and that on said day letters of administration, with will annexed, were duly issued to him as administrator of said estate of Frank Ely, deceased, and that said letters have not been revoked, and that said Santiago Ainsa is now the duly acting and qualified administrator of said estate.

In witness whereof I have hereunto set my hand and the seal of said probate court this 18th day of February, A. D. 1892.

[SEAL.]

JOHN S. WOOD,
Judge and ex Officio Clerk.

(Endorsed:) Filed in the office of the clerk, court of private land claims, January 26, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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EXHIBIT X.

STATE OF SONORA, }
Republic of Mexico, }^{ss}:

Elena Varela.

Be it remembered that, pursuant to the commission hereto annexed and on the 15th day of October, 1892, at Hermosillo, in the State of Sonora, Republic of Mexico, before me, Sarafico T. Roble, a notary public in and for the State of Sonora, Republic of Mexico, duly appointed and commissioned to administer oaths, &c., personally appeared ELENA VARELA, the witness mentioned in the foregoing commission, who, being by me first duly sworn, did make answer to the interrogatories annexed to said commission as follows, the said interrogatories being first interpreted to her into the Spanish language by Jose V. Escalante, Jr., a competent interpreter, who was by me first duly sworn according to law:

Answer to the 1st interrogatory. My name is Elena Varela; age, 42 years. I reside at Hermosillo temporarily, but my permanent residence is at Magdalena. My occupation is a school teacher at Magdalena.

Answer to the 2nd interrogatory. The name of my father is Ma-

riano Varela. The name of my mother is Concepcion Aros de Varela.

Answer to the third interrogatory. They are dead. My father died at Magdalena in the year 1851 or 1852. My mother died at Hermosillo in the year 1883. I know of my father's death because I have heard my mother say so, and I know of my mother's death because I saw her die.

Answer to the 4th interrogatory. They were married at Arispe in January of 1850, and I was born the same year. I know of 244 it because I have heard my mother say so.

Answer to the 5th interrogatory. The only children my father and mother left surviving them were myself and my brother Angel Varela. I live at Magdalena and he resides at Guaymas, in this State of Sonora, Mexico. I am forty-two years of age and my brother is forty-one years old.

Answer to the 6th interrogatory. My grandfather was Joaquin Varela; my grandmother's name was Concepcion Elias de Varela. I knew personally my grandfather, Joaquin Varela, but I never knew my grandmother, but I knew her by what I have heard my grandfather, cousins, and aunts say.

Answer to the 7th interrogatory. They are both dead; they died a great many years ago, in this State of Sonora. I know of my own knowledge of my grandfather's death, and as to that of my grandmother I know it from the traditions in the family.

Answer to the 8th interrogatory. There were three children, to wit, my father, Mariano Varela; a son, Serapio, who died while a minor and without any issue of his body, and a daughter, Maria de Refugio, who died a minor and without any issue of her body. My father was the only child who died leaving issue. As I have already stated, my knowledge is based upon what I have heard my mother and other members of the family say on the subject.

Answer to the 9th interrogatory. They were married at Arispe to each other a great many years ago; I could not tell when. My knowledge is based on family tradition.

245 Answer to the 10th interrogatory. Her maiden name was Concepcion Elias.

Answer to the 11th interrogatory. Her father's name was Ygnacio Elias and her mother's Jose Coronado de Elias. I know this from hearing my mother, my grandfather, Joaquin Varela, and other members of the family talk and say.

Answer to the 12th interrogatory. It was the same Ygnacio Elias.

Answer to the 13th interrogatory. He is dead; I have heard my mother, grandfather, and other members of the family say so. He died a great many years ago.

Answer to the 14th interrogatory. He was married in his lifetime to Josefina Caronado, who is also dead. I don't know when she died, but it was a great many years ago. They were my great-grandparents. My knowledge comes from what I have heard my grandfather, my mother, and other members of our family say on the subject.

Answer to the 15th interrogatory. My said great-grandparents had three children, to wit, Florencio, a son, who died in the year 1845, without issue; he was married in his lifetime to one Francisca Robles, who is also dead. They had, 2dly, a daughter, Jesus Elias, who married Juan Jose Serano. These are both dead. Mrs. Jesus Elias de Serano died at Hermosillo in the year 1890; Juan Jose Robles died a great many years ago. They left the following children, issue of the marriage aforesaid: Ygnacio, Guadalupe, Ricardo, and Jose Jesus, men, and Dolores, Josefa, Maria, and Jesus, women. Each and all of them reside in Sonora, at this city of Hermosillo, and all are over twenty-one years of age. Jose Jesus died
 246 unmarried and without leaving any issue of his body. The third child was Concepcion Elias, who married Joaquin Varela, being my grandmother, and about whom I have already testified.

Answer to the 16th interrogatory. He was my great-grandfather. The following is a list of all his descendants, in the form of a family tree:

Ygnacio Elias Florencio died without issue.	married Jesus married Juan Jose Serano, leaving issue.	Josefa Coronado. Concepcion married to Joaquin Varela.
Mariano Varela married Concepcion Aros.	Serapio died without issue.	Maria del Refugio died without issue.
Angel Varela. Elena Varela.		

Answer to the 17th interrogatory. I was acquainted with Eulalia Elias, to whom the State of Sonora granted the ranch of San Ygnacio del Barbocomari, now in the Territory of Arizona. I met her often in Ures and Hermosillo, where she used to come sometimes to visit my mother, Aune Eulalia Elias having her home at Arispe.

Answer to the 18th interrogatory. She is dead. She died at Arispe, in the year 1866. Her death was reported to our family by letters and I have heard my cousins, Manuel and Jose Maria Elias, say they saw her die at Arispe in 1866.

Answer to the 19th interrogatory. She was related to me. She was the sister of my great-grandfather, Ygnacio Elias, and hence
 247 she was my great-grandmother. I have heard my mother and grandfather say so, and I heard also Eulalia Elias say she was a full sister of my great-grandfather, Ygnacio Elias.

Answer to the 20th interrogatory. She was. I have said that she was a full sister of Ygnacio Elias and I know it, because I have heard herself and other members of my family say so.

Answer to the 21st interrogatory. She was not and never had issue of her body. I have heard Eulalia Elias herself say so and so is the report in our family.

ELENA VARELA.

Subscribed and sworn to before me this 15th day of October, 1892.

SERAFCO T. ROBLES.

STATE OF SONORA,
Republic of Mexico, }^{ss:}

I, Serafico T. Robles, a notary public of the State of Sonora, Republic of Mexico, do hereby certify that the foregoing answers of the witness, Elena Varela, were reduced to writing and were read over and corrected by the said witness, and that the same were signed and sworn to by said witness before me on the 15th day of October, 1892.

In witness whereof I have hereunto set my hand and official seal at Hermosillo, State of Sonora, Republic of Mexico, this 15th day of October, 1892.

[SEAL.]

SERAFCO T. ROBLES.

248 Territory of Arizona, United States of America, to any notary public of the State of Sonora, Republic of Mexico, or any minister, commissioner, or charge d'affair-s of the United States resident in and accredited to the Republic of Mexico or any consul general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul, or consular agent of the United States resident in the Republic of Mexico, Greeting :

You or either of your are authorized and required to summons and cause to appear before you Angel Varela and Alena Varela, residents of Magdalena, in the State of Sonora, Republic of Mexico, forthwith, and to take the answers under oath of each of said witnesses to the interrogatories hereto annexed, propounded to each of said witnesses in a certain cause now pending — the district court of the first judicial district of the Territory of Arizona in and for the county of Pima, wherein Santiago Ainsa, administrator, with will annexed, of the estate of Frank Ely, deceased, and Santiago Ainsa, trustee, and Santiago Ainsa, administrator of the estate of Jose Juan Elias, deceased, are plaintiffs, and Robert Perrin, Angel Varela, Elena Varela, Jesus Elias de Serrano, Harvey L. Christie, and The New Mexico and Arizona Railroad Company, a corporation, are defendants, and, having reduced said answers of said witnesses to writing, you will cause each of said witnesses to swear to and to subscribe to his said answers before you, to which you will certify officially, and to return without delay this commission and interrogatories and the answers of the said witnesses thereto to the clerk of the first judicial district court of the Territory of Arizona in and for the county of Pima and addressed to said clerk, at Tucson, county of Pima, Arizona Territory, in the manner required by law.

Witness Hon. Richard E. Sloan, judge of the said first 249 judicial district court of the Territory of Arizona in and for the county of Pima, at Tucson, in the county of Pima, Territory of Arizona, this 21st day of September, 1892.

Attest my hand and seal of said district court the day and year last above written.

[SEAL.]

BREWSTER CAMERON, Clerk.

250 *Interrogatories to be Propounded to Each of the Witnesses, Angel Valera and Elena Vorela, on Behalf of the Plaintiff.*

1st interrogatory. State your name, age, residence, and occupation.

2nd interrogatory. What is the full name of your father and your mother?

3rd interrogatory. Are your father and mother living or dead? If either is dead, state when and where he or she died, and also state the source of your information.

4th interrogatory. When and where were your father and mother married to each other? and state the source of your information.

5th interrogatory. If you say that your father and mother are both dead, then state what children they left surviving them. Give the name, age, residence of each child, and if any such child has since died, then state when and where and at what such child died; also state whether or not such deceased child was married before his or her death; and, if so, what issue, if any, such deceased child left surviving him or her.

6th interrogatory. What was the name of your grandfather and grandmother on your father's side? and state the source of your information.

7th interrogatory. Are your said grandfather and grandmother on your father's side living or dead? If dead, state when and where they died and the source of your information.

251 8th interrogatory. If you say your said grandfather and grandmother on your father's side are both dead, then state what child or children were born to them; give the name of each of said child; also state whether or not such child is living or dead. If any such child is dead, state when and where he or she died. State whether or not such deceased child was married in his or her lifetime; if so, to whom, and what issue, if any, of such marriage are now living, and if any are so living, give the name, age, and residence of each.

9th interrogatory. Do you know when and where your said grandfather and grandmother on your father's side were married to each other? If so, state and give the source of your information.

10th interrogatory. What was the maiden name of your grandmother on your father's side?

11th interrogatory. If, in answer to the last interrogatory, you say that the maiden name of your said grandmother was Concepcion Elias, then state the names of her father and mother and give the source of your information.

12th interrogatory. If, in answer to the 11th interrogatory, you say that the name of the father of your said grandmother was Ygnacio Elias, then state whether or not that Ygnacio Elias was the same Ygnacio Elias to whom the state of Sonora, Republic of

Mexico, in the year 1832 or thereabouts, granted or sold an interest in the lands, then situate in the State of Sonora but now situate in the Territory of Arizona, known and called the Rancho San Ygnacio del Barbocomari.

252 13th interrogatory. Do you know whether or not the Ygnacio Elias to whom was granted an interest in the said Rancho San Ygnacio del Barbocomari is living or dead? If dead, state when and where he died, and give the source of your information.

14th interrogatory. Were the said Ygnacio Elias married in his lifetime; if so, to whom and when? and give the source of your information. If you say that he was married, then state to whom he was married, and state whether or not his wife is dead, and give the source of your information.

15th interrogatory. If you say that said Ygnacio Elias was married, then state whether or not there was any issue of said marriage; if yea, state the names of all the children, issue of said marriage, and give the source of your information. If any such child is dead, state when and where he died; also state whether or not such deceased child was married in his or her lifetime; if so, when and to whom, and whether or not there were any issue of said marriage living at the time of the death of such child or now living, and the names, age, and residence of each.

16th interrogatory. Was the said Ygnacio Elias, to whom was sold or granted by the State of Sonora an interest in the said lands aforesaid, related to you in any way? If he was, state the relation, and give a detailed list of all his de-cendants and the children of such de-cendants, making a complete family tree, down to the present date.

253 17th interrogatory. Are you—were you ever acquainte'd with one Eulalia Elias, to whom the State of Sonora, Republic of Mexico, in the year 1832 or thereabouts, sold or granted an interest or estate in and to certain lands, then a part of the State of Sonora but now a part of the Territory of Arizona, United States of America, known and called the Rancho San Ygnacio del Barbocomari? If so, state when and where you knew her.

18th interrogatory. Do you know whether or not said Eulalia Elias is living or dead? If dead, state when and where she died, and also state the source of your information.

19th interrogatory. Was the said Eulalia Elias related to you in any way? If so, state — and give the source of your information.

20th interrogatory. Was the said Eulalia Elias related to the said Ygnacio Elias? If —, state the relationship and give the source of your information.

21st interrogatory. Was the said Eulalia Elias ever married? and give the source of your information on that subject.

SELIM M. FRANKLIN,

Attorney for Plaintiff.

Endorsed: Filed in the office of the clerk, court of private land claims, February 15, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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EXHIBIT Y.

I, Victor Aguilar, treasurer general of the State of Sonora, Republic of Mexico—

Certify that the manual book of charges and entries corresponding to the year 1829 does not exist in these archives.

And at the request of the commissioner of the American Government, Mr. H. O. Flipper, I give the present certificate in the city of Hermosillo, on the 12th of the month of March, eighteen hundred and ninety-four.

V. AGUILAR.

Endorsed: Filed in the office of the clerk, court of private land claims, March 27, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

[Endorsed:] No. 34. Ex. "Y." Certificate of treasurer general of State of Sonora as to non-existence of book of charges and entries. Filed in the office of the clerk, court of private land claims, Mar. 27, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

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(*Certificate Appended to Boquillas Expediente.*)

EXHIBIT Z.

Sello cuarto.	Estado	Para los años
Una cuartilla.	Libre de	de 1833 y '834.
	Sonora.	

No. 762. Mediante q. los interesados en quienes fueron rematados en 18 de Abril y 24 de Diciembre de 1828 los terrenos de San Rafael del Valle, San Juan de las Boquillas y Nogales, y San Ygnacio del Bavocómari sitos en jurisdicción del Presidio de Santa Cruz, Ciudadano Rafael Elias por el primero de dichos terrenos; Capitan Ygnacio Elias Gonzales y Nepomuceno Felis por el segundo, Ygnacio y Eulalia Elias por el tercero, han acreditado su inculpabilidad en que no se les espidiesen los respectivos títulos de merced por la Tesoreria gral. del estado q. fué unido de cuya oficina los solicitaron desde antes del 10 de Julio de 1830, procederá V. S. á expedirles dichos títulos de gratis, de conformidad con lo dispuesto por el decreto numº 27 de 11 de Agosto de 1831.

Dios y Libertad.

Arizpe, 29 de Abril de 1833.

YGNACIO DE BUSTAMANTE.
LUCAS RODRIGUEZ, Oficial 1º.

Sor. Tesorero gral. del Estado.

Es copia.

Arizpe, 8 de Mayo de 1833.

JOSÉ MARÍA MENDOZA. [RUBRIC.]

256 And be it further remembered that thereafter, to wit, on the 30th day of March, A. D. 1894, being the 13th day of the December term, 1893, of this court, held at Tucson, Arizona Territory, the court gave judgment as follows, to wit:

ROBERT PERRIN }
 vs. } No. 31. Babocomari Grant.
UNITED STATES *et al.* }

This cause having been submitted to and taken under advisement by the court on March 28, 1894, the court, after due deliberation, hereby orders, adjudges, and decrees that the claim of the plaintiff to the lands described in the petition of plaintiff on file herein is invalid and said claim is hereby rejected and the petition is dismissed.

(Record signed)

JOSEPH R. REED,
Chief Justice.

And be it further remembered that thereafter, to wit, on the 17th day of September, 1894, a petition, an order, and a citation were filed with the clerk of said court; which petition, order, and citation are in the words and figures following, to wit:

257 The Court of Private Land Claims of the United States.

ROBERT PERRIN, Complainant, }
 vs. }
THE UNITED STATES OF AMERICA, THE CRITTENDEN
Land and Cattle Company, R. R. Richardson, Naber
Pachico, David Choate, A. G. Carroll, Thomas Smith,
C. L. Douglas, L. Craft, Santiago Ainsa, Administrator,
with Will Annexed, of the Estate of Frank Ely, De-
ceased; Santiago Ainsa, Trustee and Administrator
of the Estate of Jose Juan Elias, Deceased; Angel
Verela, Elena Verela, Jesus Elias de Serrano, A. Smith,
B. Smith, C. Smith, and D. Smith, Respondents. } Petition.

Petition for Order Allowing Appeal.

Robert Perrin, the complainant in the above-entitled cause, conceiving himself aggrieved by the final decree made, entered, filed, and recorded in the above-entitled cause on or about the 30th day of March, 1894, does hereby appeal from said final decree to the honorable the United States Supreme Court under and according to the laws of the United States of America in that behalf made and provided, and prays that this his appeal may be allowed, and that a transcript of the record, testimony, exhibits, proceedings, and

258 papers upon which said final decree was made, duly au-
thenticated, may be sent to the said Supreme Court of the
United States, and also that an order be made fixing the
amount of security which said complainant shall give and furnish
upon such appeal, and that upon giving the said security all fur-

ther proceedings in this court and in said cause be suspended and stayed until determination of said appeal by said United States Supreme Court.

Dated Santa Fé, September 10th, 1894.

JOHN T. MORGAN,
CRAIG & MEREDITH, AND
BYRON WATERS,

Solicitors for Complainant and Appellant, Robert Perrin.

Endorsed: Filed in the office of the clerk, court of private land claims, Sept. 17, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

259 The Court of Private Land Claims of the United States.

ROBERT PERRIN, Complainant,
vs.

THE UNITED STATES OF AMERICA, THE CRITTENDEN LAND and Cattle Company, R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, Thomas Smith, C. L. Douglas, L. Craft, Santiago Ainsa, Administrator, with Will Annexed, of the Estate of Frank Ely, Deceased; Santiago Ainsa, Trustee and Administrator of the Estate of Jose Juan Elias, Deceased; Angel Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, and D. Smith, Respondents.

Order.

On motion of John T. Morgan, Craig and Meredith, and Byron Waters, Esquires, solicitors for Robert Perrin, complainant in the above-entitled suit, it is ordered that the foregoing appeal be, and the same is hereby, allowed, and that a transcript of the record, testimony, exhibits, proceedings, and papers in the cause upon which the final decree entered herein was made, duly authenticated, be sent to the said Supreme Court of the United States. It is further ordered that the amount of security which said complainant and appellant shall give and furnish upon said appeal be, and the same is hereby, fixed at the sum of five hundred dollars, and upon the giving and furnishing of a proper bond, with good and sufficient surety, to be approved by this court, all further proceedings in this court and in said cause be suspended and stayed until the determination of said appeal by said Supreme Court of the United States.

260 Dated this 10th day of September, 1894.

JOSEPH R. REED,
Chief Justice.

(Endorsed:) Filed in the office of the clerk, court of private land claims, September 17, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

261 The Court of Private Land Claims of the United States.

ROBERT PERRIN, Complainant,

vs.

THE UNITED STATES OF AMERICA, THE CRITTENDEN
Land and Cattle Company, R. R. Richardson, Naber
Pachico, David Choate, A. G. Carroll, Thomas Smith,
C. L. Douglas, L. Craft, Santiago Ainsa, Administra-
tor, with Will Annexed, of the Estate of Frank Ely,
Deceased; Santiago Ainsa, Trustee and Administra-
tor of the Estate of Jose Juan Elias, Deceased; Angel
Verela, Elena Verela, Jesus Elias de Serrano, A.
Smith, B. Smith, C. Smith, and D. Smith, Respond-
ents.

Citation.

United States of America to the United States of America, The
Crittenden Land and Cattle Company, R. R. Richardson, Naber
Pachico, David Choate, A. G. Carroll, Thomas Smith, C. L. Doug-
las, L. Craft, Santiago Ainsa, administrator, with will annexed, of
the estate of Frank Ely, deceased; Santiago Ainsa, trustee and
administrator of the estate of Jose Juan Elias, deceased; Angel
Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith,
C. Smith, and D. Smith:

You are hereby notified that in the above-named cause in equity,
wherein the above-named Robert Perrin is complainant and the
above-named respondents are respondents, the said Robert Perrin
has prayed an appeal to the Supreme Court of the United States
from the decree in said cause entered, and that such appeal has
been allowed.

Wherefore you are hereby cited and admonished to be and ap-
pear at a session of the Supreme Court of the United States to be
held at Washington, commencing on the second Monday of Oc-
tober next, to show cause, if any there be, why the decree appealed
from should not be reversed and set aside and the relief be granted
to said appellant as by him prayed and as to justice and equity
may appertain.

262 Witness the Honorable Melville W. Fuller, Chief Justice
of the Supreme Court of the United States, this 10th day of
September, 1894.

JOSEPH R. REED, *Judge.*

[Seal Court of Private Land Claims, Santa Fé, New Mexico.]

Attest: JAMES H. REEDER, *Clerk,*
By IRENEO L. CHARES, *D'pty.*

Received service of copy of the foregoing citation this 10th day
of September, 1894.

MATT. G. REYNOLDS,
U. S. Attorney for U. S. Court of Private Land Claims.

(Endorsed:) Filed in the office of the clerk, court of private land
claims, Sept'r 17, 1894. Jas. H. Reeder, clerk, by R. L. Long, deputy.

263 And be it further remembered that thereafter, to wit, on the 9th day of October, 1894, there was filed a bond; which bond is in the following words and figures, to wit:

Bond.

The Court of Private Land Claims of the United States.

ROBERT PERRIN, Complainant,
vs.

THE UNITED STATES OF AMERICA, THE CRITTENDEN LAND AND Cattle Company, R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, Thomas Smith, C. L. Douglas, L. Craft, Santiago Ainsa, Administrator, with Will Annexed, of the Estate of Frank Ely, Deceased; Santiago Ainsa, Trustee and Administrator of the Estate of Jose Juan Elias, Deceased; Angel Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, and D. Smith, Respondents.

Know all men by these presents that we Robert Perrin, as principal, and E. B. Perrin and Mrs. Lilo Perrin, as sureties, are held and firmly bound unto the defendants, The United States of America, The Crittenden Land and Cattle Company, R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, Thomas Smith, C. L. Douglas, L. Craft, Santiago Ainsa, administrator, with will annexed, of the estate of Frank Ely, deceased; Santiago Ainsa, trustee and administrator of the estate of José Juan Elias, deceased; Angel Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, and D. Smith, in the full and just sum of one thousand dollars, to be paid to the said defendants, The United States of America, The Crittenden Land and Cattle Company, R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, Thomas

264 Smith, C. L. Douglas, L. Craft, Santiago Ainsa, administrator, with will annexed, of the estate of Frank Ely, deceased; Santiago Ainsa, trustee and administrator of the estate of Jose Juan Elias, deceased; Angel Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, and D. Smith, their certain attorneys, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 5th day of September, in the year of our Lord one thousand eight hundred and ninety-four.

Whereas lately, at the court of private land claims of the United States, in a suit depending in said court, between Robert Perrin, complainant, and The United States of America, The Crittenden Land and Cattle Company, R. R. Richardson, Naber Pachico, David Choate, A. G. Carroll, Thomas Smith, C. L. Douglas, L. Craft, Santiago Ainsa, administrator, with will annexed, of the estate of Frank Ely, deceased; Santiago Ainsa, trustee and administrator of the estate of Jose Juan Elias, deceased; Angel Verela, Elena Verela, Jesus Elias de Serrano, A. Smith, B. Smith, C. Smith, and D. Smith,

respondents, a decree was rendered against the said Robert Perrin, and the said Robert Perrin having obtained an appeal from said decree, and said appeal having been duly allowed, and a copy of the order allowing the same having been filed in the clerk's office of the said court to reverse the said decree in the aforesaid suit, and a citation having been directed to the said respondents, citing and admonishing them to be and appear at a session of the Supreme Court of the United States to be holden at the city of Washington,

District of Columbia, on the second Monday of October next:

265 Now, the condition of the above obligation is such that if the said Robert Perrin shall prosecute said appeal to effect and answer all damages and costs if he fail to make the said plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) ROBERT PERRIN,

(Signed) By E. B. PERRIN,

Attorney-in-fact for Robert Perrin. [SEAL.]

(Signed) LILO McMULLIN PERRIN.

[SEAL.]

(Signed) E. B. PERRIN.

[SEAL.]

Sealed and delivered in presence of—

(Signed) J. H. MEREDITH.

Approved by—

— — —, Judge.

In my opinion the sureties in the above bond afford adequate security for the condition therein mentioned.

(Signed) JOSEPH McKENNA,
U. S. Circuit Judge.

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Certificate of Clerk.

UNITED STATES OF AMERICA, } ss :
Territory of Arizona,

I, James H. Reeder, clerk of the court of private land claims, do hereby certify that the foregoing is a full, true, and correct transcript of the papers, records, testimony, exhibits, proceedings, and judgment in the case entitled Robert Perrin vs. United States et al., No. 3½ (San Ygnacio de Babocomari grant), as the same appears in the records of my office.

I further certify that no opinion of the court has been filed in such cause.

In witness whereof I have hereunto set my hand and the seal of said court this 9th day of October, 1894.

[Seal Court of Private Land Claims, Tucson, Arizona.]

JAMES H. REEDER, Clerk.
R. L. LONG, Deputy Clerk.

Endorsed on cover: Case No. 15,724. Court of private land claims. Term No., 840. Robert Perrin, appellant, vs. The United States, The Crittenden Land & Cattle Company, et al. Filed November 10, 1894.

20—840

IN THE
Supreme Court of the United States.
OCTOBER TERM, 1897.

ROBERT PERRIN, APPELLANT,

vs.

THE UNITED STATES, APPELLEE.

No. 30.

**Additional Parts of the Record in this Cause which
are brought into it by a Stipulation of the Attorneys
of the Respective Parties to which said Papers are
Appended.**

Copy of the record and proceedings had in the measurement
of eight *sitios para cría de ganado mayor y caballada* (live-
stock ranch) in the localities called "San Ygnacio del
Bavocómari" in behalf of the citizen Ygnacio Elias and
Doña Eulalia Elias.

{ Seal of the Treasury General of the }
State of Sonora, Feb. 8, 1898.

A fifty-cent stamp, duly cancelled. Citizen Treasurer
General: Ygnacio Bonillas, a resident of Nogales, and tem-
porarily in this capital, appears before you and states:
That, as appears by the letter, the original of which I hereto
annex, of Mr. Robert Perrin, owner of the land known as

"San Ygnacio del Bavocómari," situate in the territory of Arizona, United States of the North, needs a certified copy of the record relating to said land existing in the archives of the Treasury under your worthy charge; and the said Mr. Perrin having authorized me to solicit the said copy in his name, I pray you to be pleased to order that the said exemplified copy issue to me for the purposes that may suit the interested party. I make all necessary protestations. Hermosillo, February 5, 1898. Ygnacio Bonillas. Received on the seventh instant, and let the copy requested issue as prayed. V. Aguilar. (A sign manual.)

Stamp, 3rd class. 2 reales. Years 1822 and 1823. Qualified. The Constitution sworn to by the King on March 9, 1820. Qualified by the State of the West for the years 1827 and 1828. A stamp which reads: "Qualified by the Mexican Republic for the years 1824 and 1825."

Mr. Treasurer General: Don Ygnacio Elias and Doña Eulalia Elias, before Y. H. appear in due form and say: That needing land for suburban property, they, in company with Don Rafael Elias, Captain Don Ygnacio Elias and Don Nepomuceno Felix, denounce the public land bordering on the San Pedro ranch, within the limits of Santa Cruz, as far as the point of Tres Alamos, binding ourselves to pay to the Nation the corresponding fees and to perform all else that justice may require until we acquire title through grant and confirmation, to which end you will be pleased to hold the said public land as recorded and denounced. Wherefore we pray you to order that what we petition be done, thereby granting us grace. Arispe, March 12, 1827. By consent and at the request of Don Ygno. Elias. Joaquin Elias. (A sign manual.) Eulalia Elias. (A sign manual.)

Cosala, July 1, 1827.—The chief of police of Santa Cruz, by authority thereunto conferred upon him, without prejudice to third parties representing better rights, will proceed after citation of the abutting owners, to the measurement, valuation and crying for thirty consecutive days, of the lands mentioned in the foregoing denouncement, following in all things the sovereign decree No. 30 of the Honorable Constitutional Congress of the State, of May 20, 1825, and the regulations accompanying the same; and after having carried out these proceedings, he will make return of the same to this Treasury, notifying the bidders that may present themselves to appear in person or by attorney at the auction

which must be held in the said office after the customary three public auctions. The Treasurer General of the State, Nicolas Ma. Gaxiola, so decreed and signed. Gaxiola. (A sign manual.)

In the presidio of Santa Cruz, on the fifth day of the month of October of eighteen hundred and twenty-eight. Pursuant to the foregoing decree of the Treasurer General, let the provisions of the said decree dated July 1, 1827, be executed, and to that end, after summoning the interested parties, abutting owners, expert surveyor, and other necessary officials which must be named, and calling for me, go to the hacienda of San Pedro for the purpose of proceeding with the measurement of the *sitios* desired by the parties in interest. The citizen Alejandro Franco, constitutional alcalde of the presidio of Santa Cruz, by this decree so ordered and signed, with the assistants commissioned to act with him in default of a notary, according to law. For Alejandro Franco, Ramón Romero. Assistant, Ramón Romero. Assistant, Franco. Gauna.

At the hacienda of San Pedro, on the eighteenth day of the month of October of eighteen hundred and twenty-eight, I, the said judge, there being present the citizen Ygnacio Elias, for himself and as attorney for his sister, Doña Eulalia; the abutting owners, citizen Captain Ygnacio Elias and Nepomuceno Felix; the expert surveyor, citizen José María Caballero, Lieutenant Colonel of Engineers; whom I notified, and to whom I made known the foregoing decree, and who stated that they understood the same and acknowledged service of the summons and appointments; designated the twentieth day of the same month as the time to proceed to the measurement; and they signed with me and my assistants in the usual form. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygno. Elias. (A sign manual.) Juan Nepomuceno Felix. (A sign manual.) José de Caballero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco. Gauna. (A sign manual.)

Having arrived at the place named, San Ygnacio del Bavocómari, on the twentieth day of the same month and year, the point where the surveys of the citizens Captain Ygno. Elias Gonzales and Nepomuceno Felix end—in a direction east-northwest by west-southwest—accompanied by the party in interest, the expert surveyor, the officials which must be named and assistants, I ordered that before begin-

ning the survey a reconnoissance or visual inspection be made of the land to be surveyed on the petition of the citizen Ygnacio Elias and his principal, Doña Eulalia. And after inspecting it thoroughly, I found it to be ample for the raising of live stock, the greater part having water flowing from permanent springs; but also having the one drawback of being dangerous as it furnishes hiding places for the Apache enemy. And in order that it may appear of record, I make it a part hereof, which I signed with my assistants who act with me. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygno. Elias. (A sign manual.) Juan Nepomuceno Felix. (A sign manual.) Ygno. Elias Gonzales. (A sign manual.) José de Caballero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco. Gauna. (A sign manual.)

On the same day, month and year, I, the judge commissioned to proceed to the survey of the land denounced, on a bald hill, in front of the small marsh of San Ygnacio del Bavocómari, appointed the citizen Lorenzo Sortillon as counter; the citizens Andres Mendoza and Pablo Elias as chainmen; the citizens Antonio Campoy and Mauricio Neiva as rodmen; and together with the expert surveyor, citizen Lieutenant Colonel José Ma. Caballero, they accepting the said appointments, and each taking the customary oath in proper form to faithfully and lawfully discharge the duty assigned to each one, without fraud or deception, and to each act according to his best knowledge and understanding, and those who could signed with me and my assistants in the ordinary form, to which I certify. For Alejandro Franco, Ramón Romero. (A sign manual.) Lorenzo Sortillon. (A sign manual.) Pablo Elias. (A sign manual.) For Andres Montoya, Antonio Campoy and Mauricio Neiva, Francisco Gauna. (A sign manual.) Assistant, Ramón Romero. Assistant, Francisco Gauna. (A sign manual.)

On the same spot, and on the day, month and year, there being present the parties interested, officials and assistants named, in order to proceed to the survey, I ordered that a cord of fifty *varas* be measured, and tying its ends to two poles, the said survey was commenced by the expert surveyor citizen José M. Caballero, who, placing his compass, took the angle: East-northeast one-quarter east by west-southwest one-quarter west, where I caused a monument in the shape of a cross to be placed. From that point, in the said direc-

tion, one hundred cords were measured and counted, terminating at a little valley near some bald hills where I caused a monument to be set. And as it was late, I had the cord taken in and the officials and others withdraw to rest until the following day when the survey would continue; which I record and sign with my assistants and the others interested who accompanied me, to which I certify. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygnacio Elias. (A sign manual.) Juan Nepomuceno Felix. (A sign manual.) Ygno. Elias Gonzales. (A sign manual.) Lorenzo Sortillon. (A sign manual.) For Anto. Campoy and Mauricio Neiva, Francisco Gauna. (A sign manual.) For Andres Montoya and myself, Pablo Elias. (A sign manual.) Assistant, Ramón Romero. Assistant, Francisco Gauna. (A sign manual)

On the spot where I ordered the second monument to be placed, called the valley of San Ygnacio del Bavocómari, accompanied by the party in interest, expert surveyor, officials appointed, and in order to continue the survey in the same direction, on the twenty first of the said month and year, I caused the customary fifty-vara cord to be remeasured; which done, its extremities were tied to two poles, and the cord being extended there were measured and counted in the same direction two hundred and forty-three cords, ending on the top of a hill facing south-southwest, where the survey was brought to a close owing to the broken condition of the ground and the many and deep gulleys lying in the direction of the course. By reason of this it became necessary for me and the expert surveyor to calculate the fifty-seven cords wanting to complete the side of the three *sitios para ganado mayor* (live-stock ranch), this calculation ending at the warm spring facing the Santa Rita range, at the foot of a bald hill, where I ordered a corner monument set, which faces the slope of the said range and warm spring. And from the said point, as the broken surface and deep gorges continue, in order to form the head line of these *sitios*, I and the expert surveyor, at right angles to the line mentioned, calculated in a direction northwest one-quarter north-northwest by southeast one-quarter south-southwest, seventy cords, to the base of a small poplar tree, which grows in a vale at the foot of the said Santa Rita range. And to complete the head line or square in an opposite direction—south-southwest one-quarter south-

east by north-northwest one-quarter northwest—the other forty cords were calculated, terminating at a hill where several oaks were growing, where I ordered the corresponding monuments to be placed. With these three *sitios para ganado mayor* (live-stock ranch) and the survey of the previous day four *sitios* were completed; and as it was past midday, I ordered that we withdraw to the central monument; which we did. Having reached the said monument in front of the San Ygnacio del Bavocómari marsh; the fifty-vara cord having been again examined, and its extremities having been tied to the two poles aforesaid, and the cord extended in a direction west-southeast by east-northwest, there were measured and counted seventy-four cords, which terminated on the top of some hills in the vicinity of the water point, where, night having fallen, the survey for this day was finished, all retiring to rest. Which I record, signing it with the party in interest, expert surveyor, officials named and assistants, to which I certify. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygno. Elias. (A sign manual.) Juan Nepomuceno Felix. (A sign manual.) Lorenzo Sortillon. For Andres Montoya and for myself, Pablo Elias. (A sign manual.) For Antonio Campoy and Mauricio Neiva, Franco. Gauna. (A sign manual.) Ygno. Elias Gonzales. (A sign manual.) José de Caballero. (A sign manual.) Assistant, Ramón Romero. Assistant, Francisco Gauna. (Sign manual.)

At the place aforesaid, on the twenty-second day of the said month and year, I, the judge commissioned, the party interested, expert surveyor, and other officials appointed, having caused the fifty-vara cord to be examined, as also the course of the previous day, the cord being extended in this same direction, twenty-six cords were measured and counted, so as to complete one hundred cords for the side of one *sitio de ganado mayor*, and in the same direction, passing the cord over several hills and gulleys, three hundred cords were measured and counted, the latter crossing a valley in the vicinity of the spring-fed pools, and terminating above the said pools at a rocky hill where I ordered a corner monument to be placed, thus completing the side of the other four *sitios para ganado mayor*. The compass being placed here by the expert surveyor, and the cord being placed so as to form a right angle (or ninety degrees) with the former line; the cord having

been examined and extended in a direction south-southwest one-quarter southeast by north-northwest one-quarter northwest, forty cords were measured and counted, corresponding to those of the head line of the other four *sitios*, and terminating on top of some bald hills, where I ordered a corner monument placed, and returning to the center of this head line in an opposite direction—north-northwest one-quarter northwest by south-southwest one-quarter southeast—sixty cords were measured and counted to complete the one hundred cords, the latter ending on top of a very high hill. This finished the survey of the eight *sitios para ganado mayor* recorded by the citizen Ygnacio Elias and his sister Doña Eulalia. He acknowledged that he was satisfied with the said measurements, and advised that he would opportunely designate its bounds with monuments of mortar and stone, as is provided. And that it may so appear he signed with me and those who knew how, together with the assistants acting with me, through want of a notary, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygnacio Elias. (A sign manual.) Lorenzo Sortillon. (A sign manual.) For Andres Montoya and for myself, Pablo Elias. (A sign manual.) Juan Nepomuceno Felix. (A sign manual.) For Anto. Campoy and Mauricio Neiva, Francisco Gauna. (A sign manual.) Ygnacio Elias Gonzales. (A sign manual.) José de Caballero. (A sign manual.) Assistant, Ramón Romero. Assistant, Franco. Gauna. (A sign manual.)

At the hacienda of San Pedro, on the twenty-fourth day of October of eighteen hundred and twenty-eight, I, the judge commissioned to proceed to the appraisement and valuation of the lands surveyed in behalf of the said citizen Ygnacio Elias and his sister Doña Eulalia, the two comprising eight *sitios para ganado mayor*, have seen fit to appoint as appraisers, knowing that they possess the necessary knowledge, the citizens Pablo Elias and Ramón Romero, residents of the presidio of Santa Cruz, and who were present at the survey; who having been apprised of the said appointment, accepted the same, and each made oath in due form, promising to make the appraisement without any fraud, deception or concealment whatsoever; and pursuant thereto they stated, in conformity and accordance with the reconnoisance they have made and informed of the orders governing the subject, that they ought to set and do set the value of

sixty pesos for each of the six *sitios de ganado mayor*, as they have a permanent water supply, and for the two remaining to complete the eight *sitios de ganado mayor*, ten pesos each, as they are absolutely bereft of water; which gives the eight *sitios de ganado mayor* a total value of three hundred and eighty pesos; and having read this declaration to the appraisers, they ratified and signed the same with me and my assistants, with whom I act through commission, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Pablo Elias. (A sign manual.) Ramón Romero. (A sign manual.) Assistant, Ramón Romero. Assistant, Franco, Gauna. (A sign manual.)

In the presidio of Santa Cruz, on the twenty-ninth of the said month and year, I, the judge commissioned, having returned to this presidio and pursuant to the foregoing proceedings and appraisement of the lands mentioned in behalf of the citizen Ygnacio Elias and his sister Doña Eulalia, comprising eight *sitios de ganado mayor y menor*, ordered that they be cried for thirty consecutive days reckoned from tomorrow, pursuant to the provisions of law. The judge commissioned so ordered and signed with the assistants, to which I certify. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco, Gauna. (A sign manual.)

First cry. At the same place, on the thirtieth day of the month of October of the said year, I, the said judge of the said presidio, caused several persons to assemble in the public plaza of the said presidio, by sounding the drum, and in the presence of all of them the crier, Gregorio Gallegos, announced in a high and clear voice: "The lands of the place named San Ygnacio del Bavocómari, situate in this jurisdiction and comprising eight *sitios de cria de ganado mayor y menor*, in behalf of the citizen Ygnacio Elias and his sister Doña Eulalia appraised in the sum of three hundred and eighty pesos, are for sale per account of the nation. Whoever wishes to made a bid, whatever bid he makes passing before me will be accepted." And no bidder having appeared, a record was made which I signed with my assistants according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco, Gauna. (A sign manual.)

Second cry. In the same presidio, on the thirty-first day

of the said month and year, a publication by crier similar in every way to the foregoing was made, and no bidders appearing I recorded the fact, which I signed with the assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Francisco Gauna. (A sign manual.)

Third cry. In the same presidio, on the first day of November of eighteen hundred and twenty-eight another publication was made, and no bidders having appeared, a record was made which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco. Gauna. (A sign manual.)

Fourth cry. In the said presidio, on the second day said month and year, another publication was made, and no bidder appearing this record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco. Gauna. (A sign manual.)

Fifth cry. In the said presidio, on the third day of the said month and year, another publication was made, and no bidder appearing the fact was recorded, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Assistant, Ramón Romero. (A sign manual.) Assistant, Franco. Gauna. (A sign manual.)

Sixth cry. In the said presidio, on the fourth day of the said month and year, another publication was made, and no bidder appearing, I made this record, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Seventh cry. In the said presidio, on the fifth day of the said month and year, another publication was made, and no bidder appearing, a record was made which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Eighth cry. In the said presidio, on the sixth day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with

my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Ninth cry. In the said presidio, on the seventh day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Tenth cry. In the presidio aforesaid, on the eighth day of the current month and year, another publication was made, and no bidder appearing, the fact was recorded, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Eleventh cry. In the presidio aforesaid, on the ninth day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Twelfth cry. In the said presidio, on the tenth day of the said month and year, another publication was made, and no bidder resulting, a record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Thirteenth cry. In the said presidio, on the eleventh day of the said month and year, another publication was made and no bidder resulting a record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Fourteenth cry. In the said presidio, on the twelfth day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assisting witnesses. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Asst., Franco. Gauna. (A sign manual.)

Fifteenth cry. In the presidio aforesaid, on the thirteenth

day of the said month and year, another publication was made, and there being no bidder, a record was made, which I signed with the assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. (A sign manual.) Francisco Gauna. (A sign manual.)

Sixteenth cry. In the said presidio, on the fourteenth day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with the assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco, Gauna. (Sign manuals.)

Seventeenth cry. In the said presidio, on the fifteenth day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco, Gauna. (Sign manuals.)

Eighteenth cry. In the presidio aforesaid, on the sixteenth day of the said month and year, another publication was made, and no bidder resulting, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco, Gauna. (Sign manuals.)

Nineteenth cry. In the said presidio, on the seventeenth day of the said month and year, another publication was made, and no bidder resulting, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twentieth cry. In the said presidio, on the eighteenth day of the said month and year, another publication was made, and no bidder resulting, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-first cry. In the presidio aforesaid, on the nineteenth day of the said month and year, another publication was made, and no bidder resulting, a record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco, Gauna. (Sign manuals.)

Twenty-second cry. In the said presidio, on the twentieth

day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-third cry. In the said presidio, on the twenty-first day of the said month and year, another publication was made, and there being no bidder, a record was made, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-fourth cry. In the said presidio, on the twenty-second day of the said month and year, another publication was made, and no bidder resulting, a record was made, which I signed with the assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-fifth cry. In the said presidio, on the twenty-third day of the said month and year, another publication was made, and no bidder appearing, a record was made, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Guana. (Sign manuals.)

Twenty-sixth cry. In the presidio aforesaid, on the twenty-fourth day of the said month and year, another publication was made, and no bidder resulting, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-seventh —. In the said presidio, on the twenty-fifth day of the said month and year, another publication was made, and no bidder appearing, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-eighth cry. In the said presidio, on the twenty-sixth day of the said month and year, another publication was made, and there being no bidder, the fact was recorded, which I signed with my assistants, according to law. For Alejandro Franco, Ramón Romero. Asst., Ramón Romero. Asst., Francisco Gauna. (Sign manuals.)

Twenty-ninth cry. In the said presidio, on the twenty-seventh of the said month and year, another publication was

made, and no bidder resulting, the fact was recorded, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco. Gauna. (Sign manuals.)

Thirtieth cry. In the presidio aforesaid, on the twenty-eighth day of the said month and year, the last cry was made, and no bidder resulting, the record thereof was made, which I signed with my assistants. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco. Gauna. (Sign manuals.)

In the said presidio, on the said day, month and year, this return being concluded, let it be transmitted to the Treasurer General, issuing summons to the party in interest in order that, either in person or by attorney, he may go to the capital, Alamos, to be present at the three auctions of the lands cried, which are to be held in the said capital. I, the said commissioned judge, so ordered, decreed and signed, together with my assistants, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Asst., Ramón Romero. Asst., Franco. Gauna. (Sign manuals.)

Immediately, on the said day, month and year, the citizen Ygnacio Elias being present, for himself and as attorney for his sister, Doña Eulalia, I notified him and made known to him the foregoing decree, and acknowledging service thereof, he signed with me and my assistants, with whom I act by default of a notary, according to law. For Alejandro Franco, Ramón Romero. (A sign manual.) Ygnacio Elias. (A sign manual.) Asst., Ramón Romero. Asst., Franco. Gauna. (Sign manuals.)

NOTE.—This record was transmitted together with an official letter, dated November 30, 1828, to the Treasurer General of the State, and that it may so appear, I sign. Franco. (A sign manual.)

Alamos, December 19, 1828.—Refer it to the Comptroller of the Treasury of the State for opinion. Gaxiola. (A sign manual.)

Citizen Treasurer General: This record contains the survey of eight *sitios* of land for the raising of live stock, made by the alcalde of Santa Cruz in the localities known as San Ygnacio del Bavocómari. I see no objection to adjudicating the land to the claimants, unless the extent thereof exceeds that which may be granted by article 21 of the decree of May 20, 1825; but if you are secured as required

by the provisions of article 22, I am of the opinion that they should be adjudicated in favor of the petitioners, unless a higher bidder shall appear. Alamos, December 20, 1828. Felipe Gil. (A sign manual.)

Alamos, December 22, 1828.—Agreeing with the foregoing opinion of the Comptroller, I ought to and do hereby order that the members of the Board of Auction be assembled in order to hold the last three auctions and sell the land referred to in this record. Gaxiola. (A sign manual.)

First auction. In the city of Concepción de Alamos, on the twenty-second day of the month of December of eighteen hundred and twenty-eight, the president and members composing the Board of Auction being met for the purpose of holding the first auction of the lands to which this record refers, they resolved that by sounding the drum some citizens should be assembled in the office of this Treasury, and that in their presence the party acting as crier, Marcelo Parra, should proceed to cry out, as in fact he did, in a high and clear voice, saying: "The lands in the locality called San Ygnacio del Bavocónari, situate in the jurisdiction of the presidio de Santa Cruz, comprising eight *sitios* for the raising of live stock, surveyed in behalf of Don Ygnacio and Doña Eulalia Elias, and valued at three hundred and eighty *pesos*, are to be auctioned off. Whoever desires to make a higher bid, let him appear before this Board where his bid will be accepted." And no person whatever having appeared, the fact is herein recorded. Gaxiola. (A sign manual.) Almada. (A sign manual.) Gil. (A sign manual.)

Second auction. In the said city, on the twenty-third day of the month of December of eighteen hundred and twenty-eight, there being assembled in meeting the president and members composing the Board, for the purpose of holding the second public sale of the lands referred to in this record, they ordered that it be done in the same manner as the foregoing, which was done; the party acting as crier adding only that on tomorrow the final adjudication would be made. And no bidder appearing, the fact is herein made a matter of record, and this is signed by the members of the Board. Gaxiola. (A sign manual.) Almada. (A sign manual.) Gil. (A sign manual.)

Third auction. In the said city of Concepción, on the twenty-fourth day of the said month and year, the president and members of the said Board of Auction, in meeting

assembled, resolved that the third and last auction and final adjudication of the lands mentioned in this record should be proceeded with; which was done in the same manner as at the two former auctions, the crier adding only that the adjudication was to be made at the moment. And the noon-day prayer bell having been rung for this day, without any bidder appearing, the crier announced finally in a loud voice: "One, two, three. Going, going, going. Good, good, good, may it do Don Ygnacio and Doña Eulalia Elias. In this manner were these proceedings ended; the eight *sitios* of land for the raising of live stock, in the locality known as San Ygnacio del Bavocómari, in the jurisdiction of the presidio of Santa Cruz, being publicly and solemnly sold and adjudicated to the said interested parties in the sum of three hundred and eighty *pesos*, in which amount they were appraised. And in order that it may so duly appear this record was made and signed by the president and members of the Board, together with the citizen Captain Ygnacio Elias, as attorney-in-fact of the interested parties. Gaxiola. (A sign manual.) Almada. (A sign manual.) Gil. (A sign manual.) Ygnacio Elias Gouzales. (A sign manual.)

Arispe, October 19, 1832.—The full sum of three hundred and eighty *pesos*, in which amount the eight *sitios* of land included in the locality known as San Ygnacio del Bavocómari, in behalf of the citizen Ygnacio Elias and Doña Eulalia Elias, the former a resident of the town of Rayon, and the latter a resident of this capital, having been paid into the Treasury General of the United States, as is evidenced by the certificate annexed to the record, let the title through grant issue in due form for their protection. The Treasurer General of the State of Sonora so resolved and signed with assisting witnesses, according to law. Mendoza. (A sign manual.) Asst., Mariano Romo. (A sign manual.) Asst., Luis Carranco. (A sign manual.)

On December 25, 1832, a title through grant was issued for the Bavocómari land to which this record relates. Mendoza. (A sign manual.)

Nicolas Maria Gaxiola, Treasurer General of the Revenues of the State of the West, certifies: that at folio 3, reverse, of the manual of this Treasury, for the current year, under this date, the following entry appears: Charged to land grants, three hundred and eighty *pesos* paid by Captain Don Ygnacio Elias, on account of Don Ygnacio and Doña Eulalia Elias,

residents of Arispe, for eight *sitios* of land for the raising of live stock, in the locality called San Ygnacio del Bavacómari, in the jurisdiction of the presidio of Santa Cruz, appraised in the said amount, which were adjudicated to them without opposition in the Board of Auction at a meeting held in this Treasury on December 24th last. \$380.00. Gaxiola. (A sign manual.) Ygnacio Elias Gonzales. (A sign manual.)

And in order that it may so appear I issue these presents in Alamos, on the eighth of January of eighteen hundred and twenty-nine. Nicolas Maria Gaxiola. (A sign manual.)

Crossed out: "C," not valid. Inserted: "Lorenzo Sortillon, Juan Nepomuceno Felix," valid.

It is an exact copy of its original which I authenticate and sign in Hermosillo, on February eight of eighteen hundred and ninety-eight.

N. AGUILAR.

Copia del expediente y diligencias practicadas en la medida de ocho sitios para eria de ganado mayor y caballada en los parages nombrados "San Ygnacio del Babocómari" á favor del C^r Ygnacio Elias y Doña Eulalia Elias.

(Tesoreria General, Estado de Sonora, Feb. 8, 1898.)

Una estampilla de cincuenta centavos debidamente canclada. C^r Tesorero General—Ygnacio Bonillas, vecino de Nogales, y accidentalmente en esta Capital, ante Ud comparecio y expongo: Que como consta por la carta que original acompaña, el Sr. Robert Perrin, dueño del terreno de nominado "San Ygnacio de Babocómari", situado en el Territorio de Arizona, Estado Unidos del Norte, necesita una copia certificada del expediente relativo á dicho terreno que existe en los archivos de la Tesoreria de su digno cargo, y habiendo autorizado dicho Sr. Perrin para que á su nombre solicite la copia referida, á Ud suplico se sirva disponer se me expida el testimonio correspondiente para los usos que al interesado convengan. Protesto lo necesario. Hermosillo, Febrero 5 de 1898. Ygnacio Bonillas. Recibido en siete del corriente, y como se solicita, expidase la copia que se pide. V. Aguilar. Rubrica. Sello 3°. 2 reales. Años de 1822 y 1823. Habilitado. Jurada por el Rey la Constitución en 9 de Marzo de 1820. Habilitado por el Estado de Occidente para los años de 1827 y '28. Un sello que dice: "Habilitado por la República Mexicana para los años de 1824 y '25. Señor Tesorero General: Don Ygnacio Elias y Doña Eulalia Elias, ante V. S., se presentan en debida forma y dicen: que necesitando terreno para bienes de campo, denuncian en consorcio de Don Rafael Elias, el Capitan Don Ygnacio Elias, y Don Nepomuceno Felix, el baldio que linda con el rancho de San Pedro, en la comprensión de Santa Cruz, hasta el punto de Tres Alamos, obligándonos á satisfacer á la nacion los derechos que le correspondan con lo demás que fuere de justicia, hasta adquirir el título de merced y confirmación, para cuyo efecto se ha de servir Ud haber por registrado y denunciado dicho terreno baldío, por tanto. A Ud suplicarnos se sirva mandar proveer como solicitamos en lo que recibiremos merced. Arispe, 12 de marzo de 1827. Por anuencia y ruego de Don Ygn^r Elias. Joaquin Elias.

Rubrica. Eulalia Elias. Rubrica. Cosala 1 de julio de 1827. El alcalde de policia de Santa Cruz, procederá con facultad que para ello se le confiere, sin perjuicio de tercero que mejor derecho represente y previa citación de los colindantes a las medidas avaluos y pregones por treinta dias consecutivos de las tierras que expresa el anterior denuncio, sujetándose en todo al soberano decreto del Honorable Congreso Constituyente del Estado, No. 30 de 20 de Mayo de 1825 y al reglamento que le acompaña, y evacuadas que sean dichas diligencias, las remitirá á esta Tesoreria, citando á los postores que resulten para que ocurran por sí ó por apoderados al remate que debe celebrarse en dicha oficina, previas las tres públicas almonedas de estílo. El Tesorero Gral del Estado, Nicolas M^a Gaxiola, así lo decretó y firmó. Gaxiola. Rubrica. En el presidio de Santa Cruz, y á los cinco dias del mes de Octubre de mil ocho cientos veintiocho. En vista del antecedente decreto del Sr. Tesorero Gral, cúmplase lo mandado del citado decreto fecha 1º de julio de 1827; y al efecto, con citación de los interesados, colindantes, perito agrimensor y demás oficiales necesarios que se deberán nombrar, pásese por mí a la Hacienda de San Pedro, con el fin de que se proceda á la mensura de los sitios que los interesados deseán. El C^o Alejandro Franco, alcalde constitucional del Presidio de Santa Cruz, por éste auto, así lo determinó y firmó, con testigos de asistencia con quienes actúa por receptoría por falta de escribano segun derecho. Por Alejandro Franco, Ramon Romero. Asistencia—Ramon Romero. Asistencia—Franco Gauna. En la Hacienda de San Pedro y á los diez y ocho dias del mes de octubre de mil ochocientos veintiocho, Yó el expresado juez, siendo presente el C^o Ygnacio Elias, por si y como apoderado de su hermana D^a Eulalia, los colindantes C^o Capitan Ygnacio Elias y Nepomuceno Felix, el perito agrimensor Teniente Coronel de Yngenieros C^o José Maria Caballero á quienes notifiqué e hice saber el auto que antecede de que quedaron entendidos y dándose por citados y nombrados se señaló el dia veinte del mismo mes para marchar á proceder a la medida, lo que firmaron conmigo y los de mi asistencia en la forma ordinaria. Por Alejandro Franco—Ramon Romero. Rubrica. Ygn^o Elias. Rubrica. Juan Nepomuceno Felix. Rubrica. José de Caballero. Rubrica. Asist^a—Ramon Romero. Rubrica. Asist^a—Franco Gauna. Rubrica. Habienda llegado al puesto nombrado, San Ygnacio

de Bavocómari, el dia veinte del mismo mes y año como punto en que rematan las medidas de los CC Capitan Ygn^o Elias Gonzales y Nepomuceno Felix: por el rumbo Este Norueste para Ueste Suroeste, acompañado del interesado, perito agrimensor, oficiales que se han de nombrar y testigos de assist^a, mande que antes de comenzar la medida se hiciera una inspección ó vista de ojo de los terrenos que se iban á mensurar á pedimento del C^o Ygnacio Elias y su poderdante D^r Eulalia, y despues de bien reconocidos, hallé ser unos parages amplios para cría de ganado mayor y menor con agua la mayor parte de ellos procedente de ojos permanentes, con solo la nulidad de ser muy resgosos con abrigaderos del enemigo apache. Y para constancia lo pongo por diligencia que firmé con los de mí asistencia con quienes actuó. Por Alejandro Franco—Ramon Romero. Rúbrica. Ygn^o Elias. Rúbrica. Juau Nepomuceno Felix. Rúbrica. Ygn^o Elias Gonzales. Rúbrica. Jose de Caballero. Rúbrica. Asst^a Ramon Romero. Rúbrica. Asist^a—Franco Guana. Rúbrica. En el mismo dia, mes, y año, yó el juez comisionado, a efecto de proceder á la mensura del terreno denunciado, en una loma pelona, frente de la Cieneguita de San Ygnacio de Bavocómari, nombré para contador al C^o Lorenzo Sortillon, para cadeneros á los CC Andrés Mendoza y Pablo Elias, para apuntadores á los C. C. Antonio Campoy y Mauricio Neiva, y juntos con el perito agrimensor C^o Teniente Coronel José M^a Caballero, aceptaron los enunciados cargos, prestando cada uno de por sí y en la forma correspondiente el juramento de estilo de usar fiel y legalmente de los cargos que á cada uno corresponden, sin dolo ni fraude y obrando cada uno segun su leal saber y entender, y lo firmaron los que supieron conmigo y los de mi asistencia en la forma ordinaria de que doy fe. Por Alejandro Franco—Ramon Romero. Rúbrica. Lorenzo Sortillon. Rúbrica. Pablo Elias. Rúbrica. Por Andres Montoya. Por Antonio Campoy, y Mauricio Neiva. Francisco Guana. Rúbrica. Asist^a—Ramon Romero. Asista. Franco Guana. Rúbrica. En el referido puesto y el mismo dia, mes y año, para proceder á la medida, estando presentes los interesados, oficiales nombrados y testigos de asistencia, mandé que se midiera un cordel de cincuenta varas, y atados sus extremos á dos astas, se precedió á la enunciada mensura por el perito agrimensor C Jose M. Caballero, quien colocando el agujon tomó el viento Este Norueste, cuarto al Este para Ueste

Surueste, cuarto al Ueste, donde hice poner mohonera cruz, y desde dicho puesto, por el referido punto, se midieron y contaron cien cordeles que remataron en un vallecito con inmediacion á unas lomas pelonas en donde hice poner mohonera, y por ser ya tarde hice recoger la cuerda y que los oficiales y demás se retirasen a descansar hasta el dia siguiente que continuase la medida, lo que pongo por diligencia y lo firmo con los de mí asistencia y demás interesados que me acompañaban de que doy fe. Por Alejandro Franco. Ramon Romero. Rubrica. Ygnacio Elias. Rubrica. Juan Nepomuceno Felix. Rubrica. Ygno. Elias Gonzales. Rubrica. Lorenzo Sortillon. Rubrica. José de Caballero. Rubrica. Por Anto. Campoy y Mauricio Neiva. Francisco Gauna. Rubrica. Por Andres Montoya y por mí. Pablo Elias. Rubrica. Asist. Ramon Romero. Asist. Franco Gauna. Rubrica. En el parage en que mande poner la segunda mohonera, nombrado el valle de San Ygnacio de Bavocónari, y acompañado del interesado, perito agrimensor, oficiales nombrados, para continuar la medida por el mismo rumbo, y á los veinte y un dias del mismo mes y año, hice reconocer de nuevo la cuerda de á cincuenta varas usuales, y reconocida que fué se amarraron sus extremos en dos astas y tendida la cuerda se midieron y contaron por el mismo rumbo dos cientos cuarenta y tres cordeles que remataron en cima de una loma, que dá vista al viento sur surueste en donde se suspendio la medida por lo fragoso de la tierra muchas y profundas cañadas que se presentaban por el rumbo de ésta medida, por lo que fue de necesidad por mí y por el perito agrimensor hacer la regulación de cincuenta y siete cordeles mas, para el completo del costado de tres sitios para ganado mayor terminando esta regulacion en el ojo de la agua caliente frentero de la Sierra de Santa Rita al pie de una loma pelona en donde mandé poner Mohonera esquina que dá vista á la falda de la expresa sierra y enunciado ojo de la agua caliente y desde dicho punto, por seguir la fragosidad del terreno y profundas cañadas para dar la cabecera de estos sitios por mí y por el perito agrimensor á ezcuadra de la medida ya expresada por el viento referido, regulamos por el viento Norueste cuarto al Nornorueste, para sueste cuarto al Sursurueste—sesenta cordeles hasta el pie de un alamito que queda en un pequeño valle al pie de la enunciada Sierra de Santa Rita y para el completo de la cabecera ó

cuadra por el viento opuesto Sursurueste cuarto al Sueste para el Nornorueste cuarto al Noroeste se regularon los otros cuarenta cordeles que terminaron en una loma que tenia varios encinos en donde mandé que se pusieran las correspondientes mohoneras, con lo que con estos tres sitios para ganado mayor y el medido del dia anterior se completaron cuatro sitios; y por ser mas del medio dia, mande nos retirar asenos para la mahonera del centro como en efecto, habiendo llegado á la expresada mahonera del frente de la cienega de San Ygnacio del Bavocómari, hecho reconocer de nuevo la cuerda de cincuenta varas y amarrados sus extremos a las expresadas dos astas tendida la cuerda por el rumbo Ueste Sueste para Este norueste se midieron y contaron setenta y cuatro cordeles, que terminaron encima de unas lomas con inmediacion á la punta de la agua, en donde por ser ya noche se concluye la medida de este dia retirándonos todos á descansar, lo que pongo por diligencia firmando con el interesado, perito agrimensor, oficiales nombrados y testigos de asistencia de que soy fe. Por Alejandro Franco. Ramon Romero. Rúbrica. Ygno. Elias. Rúbrica. Juan Nepomuceno Felix. Rubrica. Lorenzo Sortillon. Por Andres Montoya y por mi Pablo Elias. Rubrica. Por Antonio Campoy y Mauricio Neiva. Franco. Gauna. Rúbrica. Ygn^o Elias Gonzales. Rubrica. José de Caballero. Rubrica. Asist^a Ramon Romero. Asist., Francisco Gauna. Rubricas. En el referido puesto y á los veintidos dias del mismo mes y año, yo el Juez comisionado, el interado, perito agrimensor y demas oficiales nombrados, hecha reconocer la cuerda de cincuenta varas y el rumbo del dia anterior por este mismo rumbo, tendida la cuerda, se midieron y contaron veintiseis cordeles para el completo de cien cordeles para el costado de un sitio de ganado mayor, y por el mismo rumbo, pasando la cuerda por encima de varias lomas y cañadas, se midieron y contaron trescientos cordeles pasando los últimos por un valle con inmediación a los tanques del ojo de agua y terminando estos arriba de los expresados tanques en una loma pedregosa, en donde mande poner mohonera, esquina con la que se completó el costado de los otros cuatro sitios para ganado mayor en donde puesto el agujon por el perito agrimensor, puesta la cuerda escuadra y formando con el rumbo anterior un angulo recto ó de noventa grados, reconocida la cuerda y tendida por el rumbo sursurueste, cuatro al sueste para el nornorueste, cuarto al

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norueste, se midieron y contaron cuarenta cordeles correspondientes á los del anterior cabecreado de los otros cuatro sitios terminando estos encima de unas lomas pelonas en donde mande poner mohonera esquina y volviendo al centro de la medida de esta cabecera por el rumbo opuesto, nornorueste cuarto al norueste para el sursurueste cuarto de sueste se midieron y contaron sesenta cordeles para el completo de los cien cordeles terminando estos en la cima de un cerro muy encumbrado con lo que se concluyó la medida efectuandose el total de los ocho sitios para ganado mayor registrados por el Cº Ygnacio Elias y su hermana Doña Eulalia, y dándose por recibido quedó conforme con las expresadas medidas advertido que oportunamente señalará sus linderos con mohoneras de cal y canto segun está prevenido; y para constancia lo firmó conmigo y todos los que supieron con los de mi asistencia con quienes actuó por receptoría a falta de escribanos segun derecho. Por Alejandro Franco. Ramon Romero. Rubrica. Ygnº Elias. Rubrica. Lorenzo Sotillon. Rubrica. Por Andres Montoya y por mi. Pablo Elias. Rubrica. Juan Nepoucenio Felix. Por Anto. Campoy y Mauricio Neiva. Franco Gauna. Rubrica. Ygno. Elias Gonzales. Rubrica. José de Caballero. Rubrica. Asist. Ramon Romero. Asistº. Franco. Gauna. Rubrica. En la hacienda de San Pedro y á los veinticuatro dias del mes de Octubre de mil ochocientos veintiocho. Yo el Juez comisionado para proceder al aprecio y avalúo de los terrenos mensurados á favor del citado Cº Ygnacio Elias y su hermana Doña Eulalia, compuestos entre ambos de ocho sitios para ganado mayor, tuve á bien nombrar para tales abaludadores por constarme tener los conocimientos necesarios á los CC. Pablo Elias y Ramon Romero, vecinos del presidio de Santa Cruz, quienes se hallaron presentes a la medida y hécholes saber dicho nombramiento lo aceptaron y juraron en la forma que a cada uno corresponde, prometiendo hacer el avalúo sin dolo, fraude ni encubierta alguna y en esta virtud dijeron de conformidad y segun el reconocimiento que tienen hecho é impuestos en las ordenes que rigen sobre la materia, el que debe dárseles y les dan el valor de sesenta pesos á cada uno de los seis sitios de ganado mayor por tener agua permanente y a los otros dos restantes para el completo de los ocho sitios de ganado mayor, el de diez pesos cada uno por carecer en lo absoluto de agua con lo que suma el total de los ocho sitios para ganado mayor

el valor de trescientos ochenta pesos, y habiendoles leido á los avaluadores ésta declaracion la ratificaron y firmaron conmigo y los de mi asistencia con quienes actuó por receptoría segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Pablo Elias. Rubrica. Ramon Romero. Rubrica. Asist., Ramon Romero. Asist., Franco. Gauna. Rubrica. En el presidio de Santa Cruz, a los Veintinueve dias del expresado mes y año, yó el Juez comisionado habiendo regresado á este Presidio y en vista de las antecedentes diligencias y avalúo de las tierras mercenadas al C. Ygnacio Elias y su hermana Doña Eulalia, compuestos de ocho sitios para cria de ganado mayor y menor, mandé se saquen al pregon por treinta dias consecutivos contados desde el dia de mañana segun se previene por la ley. Así lo proveyó y firmó el Sr Juez comisionado con los testigos de asistencia de que doy fé. Por Alejandro Franco—Ramon Romero. Rúbrica. Asist*. Ramon Romero. Rubrica. Asist. Franco. Gauna. Rubrica. 1º pregon. En el mismo puesto, y á los treinta dias del mes de Octubre del referido año, yó el enunciado juez del mismo Presidio, hice que á son de caja se convocasen en la plaza pública del citado Presidio varios individuos y que en presencia de todos ellos dijese el pregonero Gregorio Gallegos en altas y claras voces. Las tierras del Parage nombrado San Ygnacio del Bavocómari sitas en esta Jurisdiccion y comprensivas para ocho sitios de cria de ganado mayor y menor á favor del Cº. Ygnacio Elias y su hermana Doña Eulalia, avaluadas en la cantidad de trescientos ochenta pesos se venden de cuenta de la Nacion; quien quisiera hacer postura se le admitirá la que hiciere concurriendo ante mí. Y no habiendo resultado postor alguno se puso por diligencia que firmé con los de mi asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Asist—Ramon Romero. Rubrica. Asist*. Franco. Gauna. Rubrica. 2º Pregon. En el mismo Presidio á los treinta y un dias del citado año y mes, se dió otro pregon igual en todo al anterior y no habiéndose presentado postor lo puse por diligencia que firmo con los de asistencia, segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Asist*, Ramon Romero. Rubrica. Asist*, Francisco Gauna. Rubrica. e Pregon. En el expresado presidio á primero de Noviembre de mil ochocientos veintiocho se dió otro pregon, y no habiéndose presentado postores se puso por diligencia que firme con los de

asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Asist^a, Ramon Romero. Rubrica. Asist^a, Franco. Gauna. Rúbrica. 4 Pregon. En el citado Presidio á los dos dias del mes y año citados, se dio otro pregon, y no compareciendo postor se puso ésta diligencia que firmé con los de mí asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Asistencia—Ramon Romero. Rúbrica. Asistencia, Franco. Gauna. Rubrica. 5 Pregon. En el citado presidio a los tres dias del relacionado mes y año se dió otro pregon y no habiendo resultado postor se puso por diligencia que firmé con los de asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. Asist^a, Franco Gauna. Rubrica. 6 Pregon. En el referido presidio á los cuatro dias del expresado mes y año se dió otro pregon y no habiendo ocurrido poso puse ésta diligencia que firmé con los de asistencia. Por Alejandro Franco—Ramon Romero. Rubrica. A. Ramón Romero. Rubrica. A. Franco. Gauna. Rubrica. 7 Pregon. En el mismo Presidio a los cinco dias del mencionado mes y año, se dió otro pregon y no habiendo postor se puso por diligencia que firmé con los de mi asistencia. Por Alejandro Franco—Ramon Romero. Rubrica. A. Ramón Romero. Rubrica. A. Franco. Gauna. Rúbrica. 8 Pregon. En el citado Presidio á los seis dias del citado mes y año se dió otro pregon y no habiendo comparecido postor, se puso por diligencia que firmé con los de asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. A. Ramon Romero. Rubrica. A. Franco—Gauna. Rubrica. 9 Pregon. En el mencionado Presidio á los siete dias del mismo mes y año se dió otro pregon y no habiendo ocurrido postor se puso por diligencia que firmé con los de asistencia. Por Alejandro Franco—Ramon Romero. Rubrica. A., Ramon Romero. Rubrica. A., Franco. Gauna. Rúbrica. 10 Pregon. En el relacionado Presidio á los ocho dias del mes y año corriente se dió otro pregon y no habiendo resultado postor se puso por diligencia que firmé con los de mí asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. A., Ramon Romero. Rubrica. A., Franco. Gauna. Rubrica. 11 Pregon. En el expresado Presidio á los nueve dias del mismo mes y año, se dió otro pregon y no habiendo comparecido postor se puso por diligencia que firmé con los de

mi asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. A., Ramon Romero. Rubrica. A., Franco. Gauna. Rubrica. 12 Pregon. En el citado presidio á los diez dias del citado mes y año, se dio otro pregon y no habiendo resultado postores se puso por diligencia que firmé con los de asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rubrica. A., Ramon Romero. Rubrica. A., Franco. Gauna. Rubrica. 13 Pregon. En el mismo Presidio á los once duas del citado mes y año se dió otro pregon y no habiendo resultado postor se puso por diligencia que firme con los de asistencia segun derecho. Por Alejandro Franco—Ramon Romero. Rúbrica. A. Ramon Romero. Rubrica. A., Franco. Gauna. Rúbrica. 14 Pregon. En el citado Presidio á los doce dias del mismo mes y año se dió otro pregon y no habiendo comparecido postor, se pudo por diligencia que firmé con los testigos de asistencia. Por Alejandro Franco—Ramon Romero. Rubrica. A., Ramon Romero. Rubrica. A. Franco Gauna. Rúbrica. 15 Pregon. En el expresado presidio los trece dias del citado mes y año se dió otro pregon y no habiendo postor, se puso por diligencia que firmé con los de asistencia. Por Alejandro Franco—Ramon Romero. Rúbrica. A. Ramón Romero. Rubrica. Francisco Gauya. Rubrica. 16 Pregon. En el citado Presidio á los catorce dias del citado mes y año se dió otro pregon y no habiendo resultado postor, se puso por diligencia que firmé con los de asistencia segun derecho. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. 17 Pregon. En el mismo Presidio á los quince dias del mismo mes y año, se dió otro pregon, y no habiendo ocurrido postor, se puso por diligencia que firmé con los de mi asistencia. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. 18 Pregon. En el relacionado Presidio á los diez y seis dias del citado mes y año se dió otro pregon y no habiéndo resultado postor se puso por diligencia que firmé con los de mi asistencia. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubrica. 19 Pregon. En el citado Presidio á los diez y siete dias del citado mes y año se dió otro pregon, y no resultando postor se pusa por diligencia que firmé con los de asistencia. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero.

A., Francisco Gauna. Rubricas. 2L Pregon. En el mismo Presidio á los diez y ocho dias del expresado mes y año se dió otro pregón y no habiendo resultado postor, se puso por diligencia que firmé con los de asistencia. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. Francisco Gauna. Rubricas. 21 Pregon. En el relacionado Presidio á los diez y nueve dias del mismo mes y año se dio otro pregón, y no habiendo resultado postor, se puso por diligencia que firmé con los de asistencia segun derecho. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. 22 Pregon En el expresado Presidio á los veinte dias del expresado mes y año se dió otro pregón y no habiendo postor se puso por diligencia que firme con los de asistencia segun derecho. Por Alejandro Franco, Ramon Romero. Rubrica. A., Ramon Romero. A., Ramon Romero. A., Francisco Gauna. Rubricas. 23 Pregon. En el mencionado Presidio á los veinte y un dias del citado mes y año, se dió otro pregón y no habiendo postor se puso por diligencia que firmé con los de asistencia. Por Alejandro Franco. Ramon Romero. Rúbrica. A. Ramon Romero. A., Francisco Gauna. Rubrica. 24 Pregon. En el mismo presidio á los veintidos dias del citado mes y año se dió otro pregón y no habiendo resultado postor se puso por diligencia que firme con los de asistencia segun derecho. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Francisco Gauna. Rubricas. 25 Pregon. En el expresado Presidio á los veintitres dias del mismo mes y año se dió otro pregón y no apareciendo postor se puso por diligencia que firmé con los de mí asistencia. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. 26 Pregon. En el relacionado Presidio á los veinticuatro dias del citado mes y año se dió otro pregón, y no resultando postor, se puso por diligencia que firmét con los de mí asistencia. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Francisco Gauna. Rubricas. 27 Pregon. En el citado Presidio á los veinticinco dias del citado mes y año se dió otro pregón y no habiendo ocurrido postor se puso por diligencia que firmé con los de mi asistencia. Por Alejandro Franco. Ramon Romero. Rubrica. A. Ramon Romero. A., Francisco Gauna. Rubricas. 28 Pregon. En el mismo Presidio á los veintiseis

dias del citado mes y año se dió otro pregon y no habiendo postor se puso por diligencia que firme con los de mi asistencia segun derecho. Por Alejandro Franco. Ramon Romero. A., Ramon Romero. A., Francisco Gauna. Rubricas. 29 Pregon. En el expresado Presidio á los veintisiete dias del mismo mes y año se dió otro pregon y no resultando postor, se puso por diligencia que firmé con los de mí asistencia. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. 30 Pregon. En el mencionado Presidio á los veintiocho dias del expresado mes y año se dio el último pregon y no habiendo resultado postor, se puso por diligencia que firmé con los de mí asistencia. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. En el mismo Presidio, en dicho dia, mes y año, estando concluido éste expediente, remitase al Sr. Tesorero General, con citación del interesado á fin de que trasladándose por sí ó por apoderado á la Capital de Alamos asista á las tres almonedas de los terrenos pregonados que han de verificarse en la expresa Capital. Yó el juez comisionado así lo decreté mandé y firmé con los de mí asistencia segun derecho. Por Alejandro Franco. Ramon Romero. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. Yncontinente en dicho dia, mes y año siendo presente el C. Ygnacio Elias por sí y como apoderado de su hermana D. Eulalia le notifiqué é hice saber el decreto que antecede y dándose por citado lo firmo conmigo y los de mí asistencia con quienes actuo por receptoría segun derecho. Por Alejandro Franco. Ramon Romero. Rubrica. Ygnacio Elias. Rubrica. A., Ramon Romero. A., Franco. Gauna. Rubricas. Razon. Se remitió éste expediente con oficio fecha 30 de noviembre de 1828 al Sr. Tesorero Gral del Estado y para constancia lo rubriqué. Franco. Rubrica. Alamos, 19 de Dicbre de 1828. Pase al Promotor Fiscal de la Hacienda del Estado para que exponga su dictamen. Gaxiola. Una rubrica. Cº Tesorero General. Este expediente contiene la mensura de ocho sitios de tierra para la eria de ganado mayo, y caballada practicada por el alcalda de Sta. Cruz en los parages de San Ygnacio del Bayocómari. Nada encuentro en contrario para que dejen de adjudicarse a los pretendientes si no es que exceden del numero á que pueden concederse por el artº 21 del decreto de 20 de Mayo de 1825,

empero si Ud está asegurado de los requisitos que expresa el 22, soy de opinion que se rematen en favor de los registrantes á menos que no aparezca otro mejor postor. Alamos, Dicbre 20 de 1828. Felipe Gil. Rubrica. Alamos 22 de Dicbre de 1828. Conformándome con el dictámen del Promotor fiscal que antecede, debia de mandar y mando se citen á los Sres vocales de la Junta de almonedas para practicar las tres ultimas y remate del terreno que expresa este expediente. Gaxiola. Rubrica. 1^a almoneda. En la ciudad Concepción de Alamos á los veintidos días del mes de Diciembre de mil ochocientos veintiocho, reunidos en Junta de almoneda el Sr. Presidente y vocales que la componen con el objeto de celebrar la primera de los terrenos á que se contrae éste expediente dispusieron que a son de tambor se convocasen algunos ciudadanos en el oficio de ésta Tesorería y que en su presencia procediese el que funcionó de pregonero Marcelo Parra, a dar un pregon como efectivamente lo dió en altas y claras voces, diciendo: "Van á rematarse las tierras del parage nombrado San Ygnacio de Bavocómari sitas en jurisdicción del Presidio de Santa Cruz comprensiva de ocho sitios para cría de ganado mayor y caballada y ganado menor, mensuradas á favor de Don Ygnacio y Doña Eulalia Elias y avaluados en tres cientos ochenta pesos; quien quisiera hacer mejor postura, ocurra ante esta Junta donde se le admitirá que haga. Y no habiendo ocurrido persona alguna se pone por diligencia para constancia. Faxyola. Rubrica. Almada. Rubrica. Gil. Rubrica. 2 almoneda. En la expresada ciudad á los veintitres días del mes de Dicbre de mil ochocientos veintiocho, convocados en Junta los Sres. Presidente y vocales que la componen con el fin de celebrar la segunda almoneda de los terrenos que expresa éste expediente mandaron se practicase en los mismos terminos que la primera antecedente, lo que se verifico añadiendo únicamente el que hizo veces de pregonero que el dia de mañana había de quedar celebrado el remate. Y no habiendo resultado postor se pone por diligencia para constancia que firmaron los Sres. de la Junta. Gaxiola. Rubrica. Almada. Rubrica. Gil. Rubrica. 3^a almoneda. En la nominada ciudad de la Concepción a los veinticuatro días del mismo mes y año hallándose reunidos el Sr. Presidente y vocales de la expresada Junta de almonedas, dispusieron se evacuase la tercera y remate de los terrenos que menciona este expediente lo cual se

hizo en la misma conformidad que las dos anteriores, con solo añadir el pregonero que en éste momento ha de quedar celebrado el remate. Y habiendo dado la plegaria de las doce de éste dia sin que ocurriese postor alguno, dijo por último el pregonero en alta voz "a la una, á los dos, á las tres: que se remata que se remata que se remata: que buena que buena que buena les haga a Don Ygnacio y Doña Eulalia Elias. En tales terminos se concluyó este acto quedando pública y solemnemente rematado á favor de dichos interesados los ocho sitios de tierra para cría de ganado mayor y caballada en el parage nombrado San Ygnacio del Bavocómari, jurisdiccion del Presidio de Santa Cruz, en la cantidad de Trescientos ochenta pesos en que fueron avaluados. Y para la debida constancia se pone esta diligencia que firmaron los Sres. Presidente y vocales de la Junta con el C. Capitan Ygnacio Elias como apoderado de los interesados. Gaxiola. Rubrica. Almada. Rubrica. Gil. Rubrica. Ygnacio Elias Gouzales. Rubrica. Arispe, 19 de Octubre de 1832. Habiendose verificado el entero de trescientos ochenta pesos en la Tesoreria General del Estado Unido, en que se remataron los ocho sitios de tierras comprendido en el questo nombrado San Ygnacio del Bavocómari á favor del Cº Ygnacio Elias y Doña Eulalia Elias vecino el primero de la Villa de Rayon y la segunda de esta Capital, como lo comprueba la certificación que está agregada al expediente, expidase el titulo de merced en forma para su resguardo. El Tesorero Gra del Estado de Sonora así lo proveyo y firmó con testigos de asistencia segun derecho. Mendoza. Rubrica. A., Mariano Romo. Rubrica. A., Luis Caranco. Rubrica. En 25 de Diciembre de 1832 se expidió titulo de merced del terreno del Bavocómari de que trata este expediente. Mendoza. Rubrica. Nicolas Maria Gaxiola, Tesorero Gral. de las Rentas del Estado de Occidente, Certificó que al folio 3 vuelta del manual de ésta Tesoreria, del corriente año, se halla sentada con ésta fecha la partida siguiente Cárdo en mercedes de tierra trescientos ochenta pesos que enteró el Capitan Don Ygnacio Elias á nombre de Don Ygnacio y Doña Eulalia Elias vecinos de Arispe, por la merced de ocho sitios de tierra para cría de ganado mayor y caballada en el parage nombrado San Ygnacio del Bavocómari, jurisdiccion del Presidio de Santa Cruz, avaluados en la indicada cantidad, que se remataron á su favor sin opositor alguno en Junta de almonedas celebrada en ésta Tesoreria el dia 24 de

Diciembre próximo pasado \$380. Gaxiola. Rubrica.
Ygnacio Elias Gonzales. Rábrica. Y para que conste doy la
presente en Alamos á ocho de Enero de mil ochocientos
veintinueve años. Nicolas Maria Gaxiola. Rubrica. Tes-
tado. C. No vale. E. L. expresado. Lorenzo Sortillon.
Juan Nepomuceno, Felix. Vale.

Es copia exacta de su original que autorizo y firmo en
Hermosillo á ocho do Febrero de mil ochocientos noventa y
ocho.

N. AGUILAR.

In the Supreme Court of the United States.

OCTOBER TERM, 1897.

ROBERT PERRIN, APPELLANT,
v.
THE UNITED STATES. } No. 30.

APPEAL FROM THE COURT OF PRIVATE LAND CLAIMS.
BABOCÓMARI GRANT IN ARIZONA.

TRANSLATION, ON BEHALF OF THE UNITED STATES, OF THE "EXPEDIENTE" OF THE BABOCÓMARI GRANT FILED BY APPELLANT, AND A MEMORANDUM OF INACCURACIES IN APPELLANT'S TRANSLATION.

Counsel for appellant having filed a translation of a certified copy of the *expediente* of the San Ignacio del Babocómari grant, as found in the archives at Hermosillo, it is deemed proper to file a translation thereof on behalf of the Government and to call attention to several material inaccuracies in appellant's translation. A few

of these inaccuracies clearly indicate the danger of relying upon translations of various proceedings for the disposition of lands attempted to be taken under the laws of Spain, Mexico, or any of the States thereof, when made by translators who do not understand or observe the technical use of words and phrases as contained and defined in the various laws.

Respectfully submitted.

JOHN K. RICHARDS,

Solicitor-General.

MATTHEW G. REYNOLDS,

Special Assistant to the Attorney-General.

MEMORANDUM OF INACCURACIES IN APPELLANT'S TRANSLATION.

1. On title-page the words "*sitios para cría de ganado mayor y caballada*" are not translated except by the words "live-stock ranch," placed in parenthesis. These Spanish words mean "tracts for breeding large cattle and horses," and have in the laws of Sonora a technical application comprehending a precise quantity of land authorized to be granted for such purposes.

2. The word "*expediente*" is translated "record" wherever it occurs. The "*expediente*" is only a part of the record and should be translated "*proceedings*."

The words "*sign manual*" occur 158 times in the translation for the Spanish "*rúbrica*." This latter word should be translated "*rubric*" (*Century Dict.*) or "*paraph*."

The word "*habilitado*" just preceding the petition is rendered by "*qualified*." As applied to the revival of stamped paper, it should be "*habilitated*."

The words "*suburban property*" in the petition are given as the translation of "*bienes de campo*." These words mean "*live stock*."

The word "*comprensión*" in the petition is translated "*limits*." Its correct meaning is "*jurisdiction*."

The word "*registrado*," in the petition, is translated "*recorded*." It should be "*registered*," in the sense of entering or filing upon a piece of land under the land laws.

In the decree appointing a surveyor the words "*alcalde de policia*" have been translated "chief of police." It should be "police justice." The "*alcalde*" is a judicial and administrative officer, with a chief of police under him.

In the same decree "*constituyente*" has been translated by "constitutional." It should be "constituent." The two terms are quite distinct.

In the same decree and elsewhere the word "*remate*" is translated by "auction." It should be "final sale."

"*Almonedas*" in the same decree is translated "auctions," whereas its correct meaning is "offers to sell." It occurs in the "*expediente*" a number of times and is inaccurately translated "auctions."

In the minute in which the surveyor accepts his appointment the word "*oficiales*" is translated "officials." It should be "*assistants*," as they were in no sense "officials," but subordinate helpers for the occasion, such as chainmen, etc.

In the same minute the words "*testigos de asistencia*" have been translated "assistants." They should be translated "attending witnesses." "*Asistencia*" does not mean "assistants," but the act of being present.

In the minute setting out the appointment and swearing of assistants the word "*rodmen*" is given as the translation of "*apuntadores*." It should be "recorders," persons who attend the surveyor and write down the field notes of the survey as it progresses.

In the survey itself the word "*viento*" is translated by "angle." It means "wind," literally, but in this place its meaning is "course" or "direction."

In the survey "*este norueste*" are translated "*east northeast*," instead of "*east northwest*."

"*A monument in the shape of a cross*" is given as the translation of "*mujonera cruz*." It should be "*cross monument*," i. e., a monument placed where two lines cross, without regard to the shape of the monument, in contradistinction to a "*mujonera esquina*," a "*corner monument*."

In the same place "*sesenta*," meaning "*sixty*," is translated "*seventy*."

In the survey "*cuadra*" is translated "*square*." It means being perpendicular or at right angles to.

In the designation of the courses, such as "*southeast by north-northwest*" for "*sueste para nornorueste*," the word "*para*," wherever it occurs, is translated "*by*." It should be translated "*to*," as points on the opposite side of the compass are being described.

In the survey also the word "*ultimos*" is translated "*latter*." It should be "*last few*."

In the appraisement of the land surveyed "*por receptoria*" are translated "*through commission*." They should be translated by "*ex officio*."

In the reference to the "*promotor fiscal*," these words are translated by "*comptroller*." They mean "*fiscal attorney*," who was merely the legal adviser of the treasurer-general of the State.

In the certificate of payment for the land the word "*cargo*" is translated by "*charged*." It should be translated by "*receipts*."

**GOVERNMENT'S TRANSLATION OF CERTIFIED
COPY OF THE EXPEDIENTE OF THE SAN IGNACIO DEL BABOCÓMARI GRANT FILED BY APPELLANTS.**

[TITLE PAGE.]

Copy of the proceedings and steps taken in the survey of eight *sitios* for breeding large cattle and horses at places called "San Ignacio del Babocómari," in behalf of citizen Ignacio Elias and Doña Eulalia Elias.

(Seal reading: Office of the treasurer-general, State of Sonora, February 8, 1898.)

(A fifty-cent stamp duly cancelled).

Citizen Treasurer-General:

I, Ignacio Bonillas, a resident of Nogales, and temporarily in this capital, appear before you and state: That, as appears by the letter which I annex in the original, Mr. Robert Perrin, owner of the land known as "San Ignacio del Babocómari," situate in the Territory of Arizona, United States of the North, needs a certified copy of the proceedings relating to said land existing in the archives of the treasury under your worthy charge, and said Mr. Perrin having authorized me to ask for said copy in his name, I pray you to be pleased to order that the corresponding copy be issued to me for the purposes that may suit the party in interest. I make the necessary protestations.

Hermosillo, February 5, 1898.

IGNACIO BONILLAS. [Rubric.]

Received on the seventh instant, and, as asked for,
let the copy requested be issued.

V. AGUILAR. [Rubric.]

Stamp third. 2 reals. Years 1822 and 1823. Habilitated. The constitution sworn to by the King on March 9, 1820. Habilitated by the State of the Occident for the years 1827 and 1828.

A stamp which reads: "Habilitated by the Republic of Mexico for the years 1824 and 1825."

Mr. Treasurer-General :

Don Ignacio Elias and Doña Eulalia Elias appear before your lordship in due form and say : That, needing land for live stock, they denouee, in company with Don Rafael Elias, Captain Don Ignacio Elias, and Don Nepomuceno Felix, the public land bounded by the ranch of San Pedro, in the jurisdiction of Santa Cruz, as far as the place of Tres Alamos, binding ourselves to pay to the nation the fees corresponding to it, together with whatever else that may be just, until we acquire title by grant and confirmation, to which end you will be pleased to hold said public land as registered and denounced. Therefore, we pray you to be pleased to order done as we request, by which we shall receive grace.

Arispe, March 12, 1827.

By consent and request of Don Ignacio Elias.

JOAQUIN ELIAS. [Rubric.]

EULALIA ELIAS. [Rubric.]

COSALA, July 1, 1827.

The police justice of Santa Cruz will proceed, by authority which is conferred on him therefor, without prejudice to a third party who represents a better right, and after citation of coterminous owners, to the survey, valuation, and publication, for thirty consecutive days, of the lands mentioned in the foregoing denouement, following in everything the sovereign decree of the honorable constituent congress of the State, No. 30, of May 20, 1825, and the regulations accompanying it, and, when these proceedings have been carried out, he will forward them to this office of the treasurer, summoning the bidders that appear to present themselves in person or by attorney at the final sale that must be held in said office after the customary three public offers of sale.

The treasurer-general of the State, Nicolas Maria Gaxiola, thus decreed and signed it.

GAXIOLA. [Rubric].

At the presidio of Santa Cruz, and on the fifth day of the month of October, of eighteen hundred and twenty-eight.

In view of the foregoing decree of the treasurer-general, let the provisions of said decree dated July 1, 1827, be complied with, and to that end, upon citation of the parties in interest, coterminous owners, expert surveyor, and other necessary assistants, who must be appointed, go myself to the *hacienda* of San Pedro for the purpose of proceeding to the survey of the *sitios* the parties in interest desire. Citizen Alexandro Franco, constitutional *alcalde* of the presidio of Santa Cruz, by

this decree so ordered and signed it, with attending witnesses, with whom he acts *ex officio* in default of a notary according to law.

For Alejandro Franco :

RAMON ROMERO.

Attending witness :

RAMON ROMERO.

Attending witness :

FRANCISCO GAUNA.

At the *hacienda* of San Pedro, and on the eighteenth day of the month of October of eighteen hundred and twenty-eight, I, said judge, there being present citizen Ignacio Elias, for himself and as attorney for his sister Doña Eulalia, the coterminous owners, citizen Captain Ignacio Elias and Nepomuceno Felix, the expert surveyor, lieutenant-colonel of engineers, citizen José María Caballero, to whom I gave notice of and made known the foregoing decree, which they understood, and after they accepted the summons and the appointments the twentieth day of said month was designated for going to proceed to the survey, which they signed with me and those in my attendance in the usual manner.

For Alejandro Franco :

RAMON ROMERO. [Rubric.]

IGNACIO ELIAS. [Rubric.]

JUAN NEPOMUCENO FELIX. [Rubric.]

JOSÉ DE CABALLERO. [Rubric.]

Attending witness :

RAMON ROMERO. [Rubric.]

Attending witness :

FRANCISCO GAUNA. [Rubric.]

Having arrived at the place called San Ignacio de Babocómari, the twentieth day of said month and year, as the point where the surveys of citizens Captain Ignacio Elias Gonzalez and Nepomuceno Felix end—on the course east northwest by west southwest—accompanied by the party in interest, the expert surveyor, the assistants who are to be appointed, and attending witnesses, I ordered that before beginning the survey an inspection or ocular examination be made of the lands which were about to be surveyed on petition of citizen Ignacio Elias and his principal Doña Eulalia, and after they were well reconnoitered I found them to be places ample for raising large and small stock, the greater part of them having water flowing from permanent springs, with only the drawback of being very dangerous as the hiding places of the hostile Apache. And in witness thereof I enter it as a minute, which I signed with those in my attendance, with whom I act.

For Alejandro Franco:

RAMON ROMERO.	[Rubric.]
IGNACIO ELIAS.	[Rubric.]
JUAN NEPOMUCENO FELIX.	[Rubric.]
IGNACIO ELIAS GONZALEZ.	[Rubric.]
JOSÉ DE CABALLERO.	[Rubric.]

Attending witness:

RAMON ROMERO.	[Rubric.]
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Attending witness:

FRANCISCO GAUNA.	[Rubric.]
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On the same day, month, and year, I, the judge, commissioned for the purpose of proceeding to the survey

of the land denounced, on a bald hillock in front of the small marsh of San Ignacio de Babocómarí, appointed citizen Lorenzo Sortillon as tallyman, citizens Andres Mendoza and Pablo Elias as chainmen, citizens Antonio Campoy and Mauricio Neira as recorders, and, together with the expert surveyor, citizen Lieutenant-Colonel José María Caballero, they accepted said appointments, each for himself, and in the proper manner taking the customary oath to faithfully and lawfully discharge the duty assigned to each, without fraud or deception, and each acting according to his best intelligence and understanding; and those who knew how signed it with me and those in my attendance in the usual manner, to which I certify.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

LORENZO SORTILLON. [Rubric.]

PABLO ELIAS. [Rubric.]

For Andres Montoya, for Antonio Campoy, and Mauricio Neira:

FRANCISCO GAUNA. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

At said place, and on the same day, month, and year, in order to proceed to the survey, there being present the parties in interest, the assistants appointed, and the attending witnesses, I ordered that a cord of fifty *varas* be measured, and, its extremities being tied to two poles,

said survey was proceeded with by the expert surveyor, citizen José M. Caballero, who, setting up his compass, took the course east-northwest quarter east by west-southwest quarter west, where I caused a cross monument to be placed, and from said place, through said point, there were measured and counted one hundred cords, which terminated in a small valley in the neighborhood of some bald hillocks, where I caused a monument to be placed; and, as it was then late, I had the cord taken up, and the assistants and others withdrew to rest till the following day, when the survey would be continued, which I enter as a minute and sign, with those in my attendance and other parties in interest who accompanied me, to which I certify:

For Alejandro Franco :

RAMON ROMERO.	[Rubric.]
IGNACIO ELIAS.	[Rubric.]
JUAN NEPOMUCENO FELIX.	[Rubric.]
IGNACIO ELIAS GONZALEZ.	[Rubric.]
LORENZO SORTILLO.	[Rubric.]
JOSÉ DE CABALLERO.	[Rubric.]

For Antonio Campoy and Mauricio Neira :

FRANCISCO GAUNA. [Rubric.]

For Andres Montoya and for myself :

PABLO ELIAS. [Rubric.]

Attending witness :

RAMON ROMERO.

Attending witness :

FRANCISCO GAUNA. [Rubric.]

At the place where I ordered the second monument put, called the valley of San Ignacio de Babocómarí, and accompanied by the party in interest, the expert sur-

veyor, the assistants appointed, in order to continue the survey on the same course, and on the twenty-first day of said month and year, I caused the cord of fifty usual varas to be examined again, and after it was examined and its extremities tied to two poles and the cord extended, there were measured and counted on the same course two hundred and forty-three cords, which terminated on top of a hillock, which faces toward the south-southwest wind, where the survey was suspended because of the broken character of the country, the many and deep gulches that lay in the direction of this survey, for which reason it was necessary for me and the expert surveyor to make an estimate of fifty-seven cords more for the completion of the side of three *sitios* for large stock, this estimate terminating at the hot spring facing the Santa Rita Mountains at the foot of a bald hill, where I ordered placed a corner monument, which faces the slope of said mountain and said hot spring, and from said point, because of the continuance of the broken character of the ground and the deep gulches, in order to form the end line of these *sitios* at right angles to the survey already described on said course, I and the expert surveyor estimated, on the course northwest quarter north-northwest to southeast quarter south-southwest, sixty cords to the foot of a small cottonwood tree, which is in a small valley at the foot of said Santa Rita Mountains, and for the completion of the end or perpendicular line on the opposite course, south-southwest quarter southeast to north-northwest quarter northwest, the other forty cords were estimated, and terminated on a hillock, where there were several oaks, where I ordered the correspond-

ing monuments placed, by which, with these three *sitios* for large cattle and that surveyed the day before, four *sitios* were completed; and, as it was past midday, I ordered that we withdraw to the center monument, which we did. Having reached said monument in front of the marsh of San Ignacio del Babocó mari, having had the cord of fifty varas again examined and its extremities tied to the said two poles, the cord being extended on the course west southeast to east northwest, there were measured and counted seventy-four cords, which terminated on top of some hillocks in the vicinity of the end of the water, where, because of being already night, the survey of this day is concluded, all of us withdrawing in order to rest, which I enter as a minute, signing it, together with the party in interest, the expert surveyor, the assistants appointed, and the attending witnesses, to which I certify.

For Alejandro Franco :

RAMON ROMERO.	[Rubrie.]
IGNACIO ELIAS.	[Rubrie.]
JUAN NEPOMUCENO FELIX.	[Rubrie.]
LORENZO SORTILLON.	[Rubrie.]

For Andres Montoya and for myself :

PABLO ELIAS.	[Rubric.]
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For Antonio Campoy and Mauricio Neira :

FRANCISCO GAUNA.	[Rubrie.]
IGNACIO ELIAS GONZALES.	[Rubrie.]
JOSÉ DE CABALLERO.	[Rubrie.]

Attending witness :

RAMON ROMERO.

Attending witness :

FRANCISCO GAUNA.	[Rubric.]
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At said place, and on the twenty-second day of said month and year, I, the judge commissioned, the party in interest, the expert surveyor, and other assistants appointed, having caused the cord of fifty *varas* to be examined and the course of the preceding day, the cord being extended on this same course, there were measured and counted twenty-six cords, for the completion of the hundred cords for the side of one *sitio* for large cattle, and on the same course, passing the cord over the tops of several hillocks and gulches, there were measured and counted three hundred cords, the last ones passing through a valley in the vicinity of the tanks from the spring, and these latter terminating above said tanks on a rocky hillock, where I ordered a corner monument placed, with which was completed the side of the other four *sitios* for large stock, where, the compass being set up by the expert surveyor, the cord being placed perpendicularly (*en cuadra*) and forming a right angle or angle of ninety degrees with the preceding course, the cord examined and extended on the course, south-southwest quarter southeast to north-northwest quarter northwest, there were measured and counted forty cords corresponding to those of the preceding end line of the other four *sitios*, these latter terminating on top of some bald hillocks, where I ordered a corner monument placed, and returning to the center of the measurement of this end line, on the opposite course, north-northwest quarter northwest to south-southwest quarter southeast, there were measured and counted sixty cords for the completion of the hundred cords, these latter terminating on the top of a very high hill, with which

the survey was concluded, making the total of eight *sitios* for large stock registered by citizen Ignacio Elias and his sister, Doña Eulalia, and he accepted and was satisfied with said survey, being cautioned to opportunely mark his boundaries with monuments of lime and stone, as is provided. And in witness thereof he signed it with me and all those who knew how with those in my attendance with whom I act *ex officio*, in default of a notary, according to law.

For Alejandro Franco:

RAMON ROMERO.	[Rubric.]
IGNACIO ELIAS.	[Rubric.]
LORENZO SORTILLON.	[Rubric.]

For Andres Montoya and for myself:

PABLO ELIAS.	[Rubric.]
JUAN NEPOMUCENO FELIX.	[Rubric.]

For Antonio Campoy and Mauricio Neira:

FRANCISCO GAUNA.	[Rubric.]
IGNACIO ELIAS GONZALES.	[Rubric.]
JOSÉ DE CABALLERO.	[Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

At the estate of San Pedro, and on October 24, 1828, I, the judge commissioner, in order to proceed to the appraisement and valuation of the lands surveyed in favor of said citizen Ignacio Elias and his sister, Doña Eulalia, comprised of eight *sitios* for cattle between both of them, saw fit to appoint as such appraisers, because I knew they possessed the necessary information, citizens

Pablo Elias and Ramon Romero, residents of the presidio of Santa Cruz, who were present at the survey; and having made said appointment known to them, they accepted it and swore in the manner corresponding to each, promising to make the appraisement without deception, fraud, or collusion; and in virtue thereof, they said together, and in accordance with the examination they had made, and knowing the orders that govern in the matter, that the value of sixty dollars should be given, and they give it to each one of *six sitios* for cattle, because they have permanent water; and to the other remaining two, for the completion of the eight *sitios* for cattle, *ten dollars each*, because they are absolutely without water, with which the total value of the eight *sitios* for cattle amounts to \$380; and having read this declaration to the appraisers, they ratified and signed it with me and those in my attendance with whom I act *ex officio* according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

PABLO ELIAS. [Rubric.]

RAMON ROMERO. [Rubric.]

Attendance: RAMON ROMERO. [Rubric.]

Attendance: FRANCISCO GAUNA. [Rubric.]

At the presidio of Santa Cruz on the 29th of said month and year, I, said judge-commissioner, having returned to this presidio and in view of the foregoing proceedings and appraisement of the lands granted to citizen Ignacio Elias and his sister, Doña Eulalia, composed of eight *sitios* for large and small stock, ordered that they be published for thirty consecutive days, counted from

to-morrow, as provided by law. Thus the judge-commissioner provided and signed, with attending witnesses, to which I certify.

For Alexandro Franco:

RAMON ROMERO. [Rubric.]

Attendance:

RAMON ROMERO. [Rubric.]

Attendance:

FRANCISCO GAUNA. [Rubric.]

1st publication. At said place and on the 30th day of the month of October of said year, I, said judge of said presidio, caused various individuals to be called together, at the sound of the drum, in the public (*plaza*) square of said presidio and the public erier, Gregorio Gallegos, to say, in a loud and clear voice in the presence of all of them: The lands of the place called San Ignacio del Babocó mari situated in this jurisdiction and comprising 8 sitios for breeding large and small stock in favor of citizen Ignacio Elias and his sister, Doña Eulalia, appraised in the sum of \$380 are sold on account of the nation; whoever desires to make a bid, that he shall make will be admitted upon applying to me. And no bidder having appeared, this minute was entered, which I signed, with those of my attendance.

For Alexandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

2nd publication. At said presidio, on the thirty-first day of said year and month, another publication was

made similar in all respects to the foregoing, and no bidder having appeared, I entered it as a minute, which I sign, with those in my attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

3rd publication. At said presidio, on the first of November of one thousand eight hundred and twenty-eight, another publication was made, and no bidders having appeared, it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

4th publication. At said presidio, on the second day of the month and year aforesaid, another publication was made, and no bidder appearing, this minute was entered, which I signed, with those in my attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

5th publication. At said presidio, on the third day of said month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco :

RAMON ROMERO. [Rubrie.]

Attending witness :

RAMON ROMERO. [Rubrie.]

Attending witness :

FRANCISCO GAUNA. [Rubrie.]

6th publication. At said presidio, on the 4th day of said month and year, another publication was made, and no bidder having appeared I entered this minute, which I signed, with those in attendance.

For Alejandro Franco :

RAMON ROMERO. [Rubrie.]

Attending witness :

RAMON ROMERO. [Rubrie.]

Attending witness :

FRANCISCO GAUNA. [Rubrie.]

7th publication. At said presidio, on the 5th day of said month and year, another publication was made, and there being no bidder it was entered as a minute, which I signed, with those in my attendance.

For Alejandro Franco :

RAMON ROMERO. [Rubrie.]

Attending witness :

RAMON ROMERO. [Rubrie.]

Attending witness :

FRANCISCO GAUNA. [Rubrie.]

8th publication. At said presidio, on the 6th day of said month and year, another publication was made, and no bidder having appeared it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

9th publication. At said presidio, on the seventh day of said month and year, another publication was made, and no bidder having appeared it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

10th publication. At said presidio, on the eighth day of the current month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those of my attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

11th publication. At said presido, on the ninth day of said month and year, another publication was made, and no bidder having appeared it was entered as a minute, which I signed, with those in my attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

12th publication. At said presidio, on the tenth day of said month and year, another publication was made, and no bidders having resulted it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

13th publication. At said presidio, on the eleventh day of said month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

14th publication. At said presidio, on the twelfth day of said month and year, another publication was made, and no bidder having appeared it was entered as a minute, which I signed, with the attending witnesses.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

15th publication. At said presidio, on the thirteenth day of said month and year, another publication was made, and there being no bidder it was entered as a minute, which I signed, with those in attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

- RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

16th publication. At said presidio, on the fourteenth day of said month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

17th publication. At said presidio, on the fifteenth day of said month and year, another publication was made, and no bidder having appeared it was entered as a minute, which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubrie.]

Attending witness:

RAMON ROMERO. [Rubrie.]

Attending witness:

FRANCISCO GAUNA. [Rubrie.]

18th publication. At said presidio, on the sixteenth day of said month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubrie.]

Attending witness:

RAMON ROMERO. [Rubrie.]

Attending witness:

FRANCISCO GAUNA. [Rubrie.]

19th publication. At said presidio, on the seventeenth day of said month and year, another publication was made, and no bidder resulting it was entered as a minute, which I signed, with those in attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubrie.]

Attending witness:

RAMON ROMERO. [Rubrie.]

Attending witness:

FRANCISCO GAUNA. [Rubrie.]

20th publication. At said presidio, on the eighteenth day of said month and year, another publication was

made, and no bidder having resulted it was entered as a minute, which I signed, with those in attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

21st publication. At said presidio, on the nineteenth day of said month and year, another publication was made, and no bidder having resulted it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO. [Rubric.]

Attending witness:

FRANCISCO GAUNA. [Rubric.]

22d publication. At said presidio, on the twentieth day of said month and year, another publication was made, and there being no bidder, it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

23d publication. At said presidio, on the twenty-first day of said month and year, another publication was made, and there being no bidders, it was entered as a minute, which I signed, with those in attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

24th publication. At said presidio, on the twenty-second day of said month and year, another publication was made, and no bidder having resulted, it was entered as a minute, which I signed, with those in attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubrics.]

25th publication. At said presidio, on the twenty-third day of said month and year, another publication was made, and no bidder appearing, it was entered as a minute, which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubrie.]

26th publication. At said presidio, on the twenty-fourth day of said month and year, another publication was made, and no bidder resulting, it was entered as a minute, which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

27th publication. At said presidio, on the twenty-fifth day of said month and year, another publication was made, and no bidder having appeared, it was entered as a minute, which I signed with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

28th publication. At said presidio, on the twenty-sixth day of said month and year, another publication was made, and there being no bidder, it was entered as a minute, which I signed, with those in my attendance, according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubric.]

29th publication. At said presidio, on the twenty-seventh day of said month and year, another publication was made, and no bidder resulting it was entered as a minute which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubries].

30th publication. At said presidio, on the twenty-eighth day of said month and year, the last publication was made, and no bidder having resulted it was entered as a minute which I signed, with those in my attendance.

For Alejandro Franco:

RAMON ROMERO. [Rubric.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubries].

At said presidio, on said day, month, and year, these proceedings being concluded, forward them to the treasurer-general, upon citation of the party in interest, to the end that, going in person or by attorney to the capital at Alamos, he may be present at the three offers of sale of the lands published which are to be made at said capital. I, the judge commissioned, so decreed, ordered

and signed it, with those in my attendance according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubrie.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubries.]

Thereupon, on said day, month, and year, citizen Ignacio Elias being present for himself and as the attorney of his sister, Doña Eulalia, I gave him notice of and made known to him the foregoing decree, and, after acknowledging service thereof, he signed it with me and those in my attendance with whom I act *ex officio* according to law.

For Alejandro Franco:

RAMON ROMERO. [Rubrie.]

IGNACIO ELIAS. [Rubrie.]

Attending witness:

RAMON ROMERO.

Attending witness:

FRANCISCO GAUNA. [Rubries.]

Note.—These proceedings were forwarded with an official communication dated November 30, 1828, to the treasurer-general of the state, and in witness thereof, I attached my rubrie thereto.

GAXIOLA. [Rubrie.]

Citizen treasurer-general:

These proceedings contain the survey of eight *sitios* of land for breeding large stock and horses, made by the

justice of Santa Cruz, in the places of San Ignacio del Babocómari. I find nothing by way of objection to allowing them to be adjudicated to the applicants, unless it is that they are in excess of the number that can be granted by article 21 of the decree of May 20, 1825; nevertheless, if you are satisfied as to the requirements presented in the 22nd, I am of opinion that they may be sold in favor of the petitioners, unless another higher bidder appears.

Alamos, December 20, 1828.

FELIPE GIL. [Rubric.]

ALAMOS, December 22, 1828.

Concurring in the opinion of the fiscal attorney, it was my duty to order, and I do order, that the members of the board of sales be summoned for the purpose of making the last three offers and final sale of the land described in these proceedings.

GAXIOLA. [Rubric].

1st offer. In the city of Concepción de Alamos, on the twenty-second day of the month of December, of eighteen hundred and twenty-eight, the president and members that compose the board of sales having assembled for the purpose of making the first offer of the lands to which these proceedings refer, they ordered that various citizens be called together, at the sound of the drum, in the office of this treasury, and that, in their presence, Marcelo Parra, who acted as crier, proceed to make a publication, as he in fact did, in a loud and clear voice, saying: "The lands at the place called San Ignacio del Babocómari, situate in the jurisdiction of the presidio of

Santa Cruz, comprising eight *sitios* for breeding large stock and horses and small stock, surveyed in behalf of Don Ignacio Elias and Doña Eulalia Elias, and appraised at three hundred and eighty dollars. Whoever desires to make a higher bid, let him come before this board, where the bid he makes will be admitted." And no person whatever having appeared, it was entered as a minute in testimony thereof.

GAXIOLA. [Rubrie.]

ALMADA. [Rubrie.]

GIL. [Rubrie.]

2nd offer. In said city, on the twenty-third day of the month of December of eighteen hundred and twenty-eight, the president and members that compose the board having assembled for the purpose of making the second offer of the lands set out in these proceedings, they ordered that it be made in the same terms as the first one preceding, which was done, he who acted as crier adding merely that on to-morrow the final sale would be made. And no bidder having appeared, it was entered as a minute in witness thereof, which the members of the board signed.

GAXIOLA. [Rubrie.]

ALMADA. [Rubrie.]

GIL. [Rubrie.]

3rd offer. In said city of Concepción, on the twenty-fourth day of said month and year, the president and members of said board of sales having assembled, they ordered that the third offer and final sale of the lands mentioned in these proceedings be made, which was done

in the same manner as at the two former offers, the crier adding only that at this moment the final sale is to be made. And the hour for noonday prayer of this day having been sounded without any bidder appearing, the crier announced finally in a loud voice: "One, two, three. Let it be sold, sold, sold. May it do good, good, good to Don Ignacio Elias and Doña Eulalia Elias." In these terms this act was concluded, the eight *sitios* of land for breeding large stock and horses at the place called San Ignacio del Babocó mari, jurisdiction of the Presidio of Santa Cruz, being publicly and solemnly sold in favor of said parties in interest, for the sum of three hundred and eighty dollars, at which they were appraised.

And in due witness thereof this minute is entered, which the president and members of the board signed, with Captain Ignacio Elias as attorney of the parties in interest.

GAXIOLA.	[Rubrie.]
ALMADA.	[Rubrie.]
GIL.	[Rubrie.]
IGNACIO ELIAS GONZALES.	[Rubrie.]

ARISPE, October 19, 1832.

The payment of three hundred and eighty dollars, at which were sold the eight *sitios* of land comprised in the place called San Ignacio del Babocó mari in behalf of citizen Ignacio Elias and Doña Eulalia Elias, the first a resident of the town of Rayon and the second of this capital, having been made into the office of the treasurer-general of the united State, as shown by the certificate

aggregated to these proceedings, let formal title to the grant be issued for their security. The treasurer-general of the State of Sonora so ordered and signed it, with attending witnesses, according to law.

MENDOZA. [Rubric.]

Attending witness :

MARIANO ROMO. [Rubric.]

Attending witness :

LUIS CARRANCO. [Rubric.]

On the twenty-fifth of December, 1832, title was issued to the grant of land of Babocómari, to which these proceedings refer.

MENDOZA. [Rubric.]

I, Nicolas Maria Gaxiola, treasurer-general of the revenues of the State of the Occident,

Certify that, at leaf 3, reverse, of the manual of this treasury for the current year, there is entered under this date the following entry:

Receipts for grants of lands, three hundred and eighty dollars paid by Captain Don Ignacio Elias in the name of Don Ignacio Elias and Doña Eulalia Elias, residents of Arispe, for the grant of eight *sitios* of land for breeding large stock and horses at the place called San Ignacio de Babocómari, jurisdiction of the presidio of Santa Cruz, appraised at said sum, which were sold in their favor without any opposition by the board of sales held in this office of the treasurer on the twenty-fourth day of last December. \$380.

GAXIOLA. [Rubric.]

IGNACIO ELIAS GONZALES. [Rubric.]

And in witness thereof I give these presents in Alamos,
on the eighth of January, eighteen hundred and twenty-
nine.

NICOLAS MARIA GAXIOLA. [Rubric.]

Crossed out—C—of no value—between lines—said,
Lorenzo Sortillon, Juan Nepomuceno Felix—good.

It is an exact copy of its original, which I authenti-
cate and sign in Hermosillo on the eighth of February,
eighteen hundred and ninety-eight.

V. AGUILAR.

